



Postsecondary Tuition & Fee Policy -- State University System

What fees are assessed for enrollment in postsecondary instruction at a State University System institution?

A student who enrolls in a college credit course at an institution in the State University System (SUS) is charged tuition and other fees, unless the student is eligible for an exemption or a waiver.¹ The term “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”² If the student is not classified as a resident for tuition purposes, he or she must pay an out-of-state fee in addition to tuition.³

Other fees that may be assessed by SUS institutions are:

- ❖ An activity and service fee.⁴
- ❖ A health fee.⁵
- ❖ An athletic fee.⁶
- ❖ A Capital Improvement Trust Fund fee.⁷
- ❖ A building fee.⁸
- ❖ A student financial aid fee.⁹
- ❖ A technology fee.¹⁰
- ❖ A tuition differential fee.¹¹
- ❖ A distance learning course fee.¹²

¹ Sections 1009.24(1) through (4), 1009.25, and 1009.26, F.S.

² Section 1009.01(1), F.S.

³ Sections 1009.01(2) and 1009.24(2) and (3), F.S.; specific appropriation 132, s. 2, ch. 2010-152, L.O.F.; Florida Board of Governors Regulation 7.001(2) (Nov. 4, 2010).

⁴ Section 1009.24(4), (9), and (10), F.S.; Florida Board of Governors Regulations 7.001(6) (Nov. 4, 2010) and 7.003(4) (Nov. 4, 2010).

⁵ Section 1009.24(4), (9), and (11), F.S.; Florida Board of Governors Regulations 7.001(6) (Nov. 4, 2010) and 7.003(4) (Nov. 4, 2010).

⁶ Section 1009.24(4), (9), and (12), F.S.; Florida Board of Governors Regulations 7.001(6) (Nov. 4, 2010) and 7.003(4) (Nov. 4, 2010).

⁷ Section 1009.24(8), F.S.; Florida Board of Governors Regulations 7.001(6) (Nov. 4, 2010) and 7.003(16) (Nov. 4, 2010).

⁸ *Id.*

⁹ Section 1009.24(7), F.S.; Florida Board of Governors Regulations 7.001(6) (Nov. 4, 2010) and 7.003(17) (Nov. 4, 2010).

¹⁰ Section 1009.24(13), F.S.; Florida Board of Governors Regulations 7.001(6) (Nov. 4, 2010) and 7.003(5) (Nov. 4, 2010).

¹¹ Section 1009.24(16), F.S.; Florida Board of Governors Regulation 7.001(6) and (14) (Nov. 4, 2010).

¹² Section 1009.24(17), F.S.; Florida Board of Governors Regulation 7.001(6) (Nov. 4, 2010).

- ❖ Other new student fees as may be approved by the Board of Governors (BOG) beginning July 1, 2010.¹³

Finally, students may be assessed certain user fees, fines, and surcharges.¹⁴

How are the amounts for tuition and the out-of-state fee established?

Tuition and Out-of-State Fee. The amount of resident undergraduate tuition is established by the Legislature.¹⁵ For the 2010-11 FY, the General Appropriations Act (GAA) specifies that tuition is \$95.67 per credit hour beginning with the Fall 2010 semester.¹⁶ In the event the GAA does not specify an amount, statute requires that tuition be determined by increasing the amount of \$77.39 per credit hour, effective on January 1, 2008, by a rate equal to inflation.¹⁷

The amounts for nonresident out-of-state fees applicable¹⁸ to undergraduate, graduate, and professional programs and for tuition applicable to graduate and professional programs are established by the Board of Trustees (BOT) for each of the 11 institutions in the SUS¹⁹ subject to the following requirements: (a) the sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full cost of instruction; and (b) annual adjustments to out-of-state fees or tuition for graduate and professional programs may not exceed 15 percent in any year.²⁰

The amounts assessed by each SUS institution for out-of-state fees and graduate and professional program tuition may be obtained from the BOG's website.²¹

Flexible Tuition Policies. Statute also authorizes the BOG, effective July 1, 2010,²² to approve the following types of flexible tuition policies if proposed by the BOT for an institution in the SUS:

¹³ Section 21, ch. 2010-78, L.O.F., *amending* s. 1009.24(15)(a), F.S.; Florida Board of Governors Regulation 7.003(23) (Nov. 4, 2010).

¹⁴ Sections 1009.24(14) and 1009.286, F.S.; Florida Board of Governors Regulation 7.003 (Nov. 4, 2010).

¹⁵ Section 1009.24(4), F.S.

¹⁶ Specific Appropriation 132, s. 2, ch. 2010-152, L.O.F.

¹⁷ The rate of inflation means the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or its successor for December of the prior year. If the percentage change is negative, the amount of tuition is to remain at the same level as the prior fiscal year. Section 1009.24(4)(b), F.S.

¹⁸ A state university may implement differential out-of-state fees, in accordance with regulations developed by the BOG, for a nonresident: (a) student from a state that borders the service area of the university; (b) graduate student who has at least a .25 full-time equivalent appointment as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate; and (c) graduate student that is receiving a full fellowship. Section 1009.24(5), F.S.

¹⁹ Board of Governors Regulation 7.001(4) and (5) (Nov. 4, 2010); *see* s. 1009.24(4)(c), F.S. (authorizing the BOG, or its designee, to establish out-of-state fees for all programs and tuition for graduate and professional programs).

²⁰ Section 1009.24(4)(c), F.S.

²¹ State University System, Board of Governors, *2010-2011 Tuition and Fees*, <http://www.flbog.edu/about/budget/current.php> (last visited Nov. 12, 2010).

²² Section 21, ch. 2010-78, L.O.F., *amending* s. 1009.24(15), F.S.

- ❖ ***Undergraduate or Graduate Block Tuition.*** A proposal for an undergraduate or graduate block tuition policy²³ must be submitted by the institution's BOT in a format prescribed by BOG regulation and in sufficient time for the proposal to be considered at a November meeting of the BOG's budget committee. A policy approved by the BOG may only be implemented at the beginning of a fall term and must be based on the per-credit hour tuition amount for resident students and on the per-credit hour tuition and out-of-state fee amounts for nonresident students.²⁴ As of December 2010, the BOG has not yet approved a block tuition policy for any of the 11 institutions in the SUS.²⁵
- ❖ ***Market Tuition Rates for Certain Graduate Programs.*** A proposal to implement market tuition rates for graduate-level online courses or graduate-level courses offered through an institution's continuing education program must be submitted by the institution's BOT in a format prescribed by BOG regulation.²⁶ Pursuant to proposed BOG regulations, the proposal, among other things, must be submitted in sufficient time to be considered at a November meeting of the BOG's budget committee, explain the process used to determine the market tuition rate, and identify the tuition of similar programs at a minimum of five other public and private institutions.²⁷ A proposed market tuition rate may not be for a program that leads to initial licensing or certification in an occupation identified as an area of state critical workforce need in specified plans.²⁸ Further, any market tuition rate approved by the BOG must initially be implemented as a pilot program and data to determine the merit and success of market rate tuition courses must be presented by the SUS institution to the BOG after three years of program operation.²⁹ As of December 2010, the BOG has not yet approved a market tuition rate for any of the 11 institutions in the SUS.³⁰

A flexible tuition policy approved by the BOG may not increase the state's fiscal liability or obligation.³¹

²³ An example of a block tuition policy would be the assessment by a SUS institution of a flat amount for tuition and, if applicable, the out-of-state fee for 15 credit hours. The institution might also include fees such as the tuition differential fee within the flat amount assessed as the block tuition fee. See s. 1009.24(15)(a)3., F.S. (authorizing a block tuition differential fee as a flexible tuition policy that may be approved by the BOG). Students taking 12 or more credit hours would be required to pay the block tuition fee and permitted to take up to 18 credit hours. See, e.g., University of Florida, Office of the Provost, *University of Florida Block Tuition Fact Sheet*, available at <http://www.aa.ufl.edu/>.

²⁴ Section 1009.24(15)(a)3., F.S.; Board of Governors Regulation 7.001(13) (Nov. 4, 2010).

²⁵ Interview with staff with the Board of Governors, State University System of Florida (Dec. 7, 2010).

²⁶ Section 1009.24(15)(a)3., F.S.

²⁷ Board of Governors Regulation 7.001(15) (proposed on Nov. 10, 2010).

²⁸ *Id.*

²⁹ *Id.*

³⁰ Interview with staff with the Board of Governors, State University System of Florida (Dec. 7, 2010).

³¹ Section 1009.24(15)(a)3., F.S.

What other fees, fines, and surcharges may be assessed by a State University System institution?

The amounts assessed by each SUS institution for the fees discussed below may be obtained from the BOG's website.³²

Activity and Service, Health, and Athletic Fees. The BOT for each SUS institution is required to establish these fees for its main campus and may also establish the fees for each branch campus or center.³³ Revenues from the fees are expended as follows:

- ❖ **Activity and Service Fee:** Fee revenue must be expended for purposes that benefit the student body in general, which include, but are not limited to, expenditures for student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university. Revenue may not be spent on any activity that charges an admission fee to students, except for student-government-association-sponsored concerts. The allocation and expenditure of revenue is determined by the student government association, subject to the authority of the university president to veto any line item or portion thereof.³⁴
- ❖ **Health Fee:** Fee revenue is used to support student health services and facilities, including staff, medicine, supplies, and equipment.³⁵
- ❖ **Athletic Fee:** Fee revenue is used to maintain compliance with Title IX, which prohibits sex discrimination in postsecondary programs including athletics and to fund free or reduced cost student tickets to athletic events, athletic scholarships, and athletic teams.³⁶

The sum of the activity and service fee, health fee, and athletic fee may not exceed 40 percent of the amount charged for tuition. Each of the three fees may not be increased more than once each fiscal year and such increase may not raise the sum of the three fees by more than five percent³⁷ or the percentage increase in tuition, whichever is greater, subject to the following exception: the athletic fee may be increased by up to \$2.00 per credit hour for purposes of defraying the costs associated with changing National Collegiate Athletic Association divisions, even if the increase results in exceeding the 40 percent and five percent limitations.³⁸

Increases to the fees must be recommended by the activity and service fee committee, health fee committee, and athletic fee committee, as applicable. The membership of each of the three committees must be comprised of at least 50 percent students who are appointed by the student body president with the remaining committee members appointed by the university president.

³² State University System, Board of Governors, *2010-2011 Tuition and Fees*, <http://www.flbog.edu/about/budget/current.php> (last visited Nov. 12, 2010).

³³ Section 1009.24(4)(e), (9), (10)(a), (11), and (12), F.S.; Florida Board of Governors Regulation 7.003(4) (Nov. 4, 2010).

³⁴ Section 1009.24(10)(b), F.S.; Florida Board of Governors Regulation 7.003(4)(e) (Nov. 4, 2010).

³⁵ Email, Board of Governors, State University System of Florida (Aug. 26, 2010).

³⁶ *Id.*

³⁷ For the 2010-11 FY only, a BOT may adopt increases for the three fees that exceed the five percent limitation, but which do not exceed 15 percent or the amount required to reach the 2009-10 FY statewide average for the sum of the three fees, whichever is greater. Section 1009.24(4)(e), F.S.

³⁸ Section 1009.24(4)(e), F.S.; Florida Board of Governors Regulation 7.003(4)(b) and (c) (Nov. 4, 2010).

Recommendations by a committee to increase a fee take effect upon approval by the university president and BOT.³⁹

Capital Improvement Trust Fund Fee and Building Fee. The amounts for both fees are established by the Legislature in statute. Currently, the Capital Improvement Trust Fund fee is set at \$2.44 per credit hour and the building fee is set at \$2.32 per credit hour.⁴⁰ A SUS institution must consult with its student government association regarding proposed facility projects to be funded by revenues from these fees and must receive approval from the BOG for the project.⁴¹

Financial Aid Fee. The BOT for a SUS institution may establish this fee for financial aid purposes in an amount that may not exceed five percent of tuition and the out-of-state fee. At least 75 percent of the fee revenue must be used to provide financial aid awards based on absolute need in accordance with a nationally recognized system of need analysis approved by the BOG. For financial aid awards based on academic merit, the SUS institution must require a minimum overall grade point average of 3.0 on a 4.0 scale for both initial receipt and renewal of the award.⁴²

Technology Fee. The BOT for a SUS institution may establish this fee in an amount that may not exceed five percent of tuition per credit hour. Revenue from the fee must be used to enhance instructional technology resources for students and faculty.⁴³

Tuition Differential Fee. The BOT for a SUS institution may establish this fee for undergraduate courses when approved by the BOG.⁴⁴ The amount of the fee is limited to the extent that the sum of undergraduate tuition and fees, including the tuition differential fee, at a SUS institution may not exceed the national average of undergraduate tuition and fees at four-year degree-granting public postsecondary educational institutions.⁴⁵

The fee was first authorized by the Legislature during the 2007 Regular Session. Five of the 11 institutions in the SUS assessed the fee during the 2008-09 academic year and each of the 11 SUS institutions began assessing the fee during the 2009-10 academic year. For the 2010-11 academic year, the tuition differential fee ranges from \$12.80 to \$22.00 per undergraduate credit hour at institutions in the SUS.⁴⁶

³⁹ Section 1009.24(4)(e) and (10)(a), (11), and (12), F.S.; Florida Board of Governors Regulation 7.003(4)(d) (Nov. 4, 2010).

⁴⁰ Section 1009.24(8), F.S.

⁴¹ Florida Board of Governors Regulation 7.003(15) and (16) (Nov. 4, 2010).

⁴² Section 1009.24(7), F.S.; Florida Board of Governors Regulation 7.003(17) (Nov. 4, 2010).

⁴³ Section 1009.24(13), F.S.; Florida Board of Governors Regulation 7.003(5) (Nov. 4, 2010).

⁴⁴ The fee may be assessed for one or more undergraduate courses or all undergraduate courses offered by the institution and the fee may vary by course and campus or center location. Section 1009.24(16)(b), F.S. For the 2010-11 academic year, each of the 11 SUS institutions are assessing this fee at a uniform per credit hour rate for all undergraduate courses, which does not distinguish among different undergraduate courses. See State University System, Board of Governors, *2010-2011 Tuition and Fees*, <http://www.flbog.edu/about/budget/current.php> (last visited Nov. 12, 2010).

⁴⁵ Section 1009.24(16)(b)4., F.S.

⁴⁶ See State University System, Board of Governors, *2010-2011 Tuition and Fees*, <http://www.flbog.edu/about/budget/current.php> (last visited Nov. 12, 2010).

The fee must be paid by undergraduate students, except students who: attended a SUS institution prior to July 1, 2007, and who have maintained continuous enrollment; or have prepaid tuition contracts for a SUS institution, which were in effect on July 1, 2007, and which remain in effect.⁴⁷ Additionally, a SUS institution may waive the fee for students who meet the eligibility requirements for the Florida Public Student Assistance Grant.⁴⁸

Revenue from the fee must be expended as follows:

- ❖ Seventy percent must be expended for purposes of undergraduate education, including but not limited to, increasing course offerings, improving graduation rates, increasing the percentage of undergraduate students taught by faculty, decreasing student-faculty ratios, providing salary increases for faculty who have a history of excellent teaching in undergraduate courses, improving the efficiency of the delivery of undergraduate education through academic advisement and counseling, and reducing the percentage of students who graduate with excess hours. Fee revenue may not be used to pay the salaries of graduate teaching assistants.
- ❖ Thirty percent, or the equivalent amount of revenue from private sources, must be expended to provide financial aid to undergraduate students who exhibit financial need, including students who receive scholarship awards through the program known as Stanley Tate Project STARS (Scholarship Tuition for At-Risk Students),⁴⁹ to meet the cost of university attendance. This expenditure may not supplant the amount of need-based aid provided to undergraduate students in the preceding fiscal year from financial aid fee revenue, the direct appropriation for financial assistance provided to institutions in the SUS in the GAA, or from private sources. The amount of tuition differential fees waived for students that meet the eligibility requirements for the Florida Public Student Assistance Grant may be included in calculating the required expenditures for need-based financial aid to undergraduate students.⁵⁰

Increases to the tuition differential fee may only be proposed by the institution's BOT once per fiscal year, must be approved by the BOG, and may not result in increasing the sum of tuition and the tuition differential fee by more than 15 percent of the total charged for these fees in the preceding fiscal year.⁵¹

Distance Learning Course Fee. Institutions in the SUS may charge this fee to students who enroll in a distance learning course listed in the Florida Higher Education Distance Learning Catalog. A distance learning course is a course in which at least 80 percent of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both. The amount of the fee "may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course."⁵² According to a survey conducted by the Florida Distance

⁴⁷ Section 1009.24(16)(b)6. and 7., F.S.

⁴⁸ Section 1009.24(16)(b)8., F.S.; *see also* s. 1009.50, F.S. (establishing the Florida Public Student Assistance Grant Program).

⁴⁹ Section 1009.984, F.S.; *see also* Stanley G. Tate Florida Prepaid College Program Fact Sheet.

⁵⁰ Section 1009.24(16)(a), F.S.; Florida Board of Governors Regulation 7.001(14)(b) (Nov. 4, 2010).

⁵¹ Section 1009.24(16)(b)3., F.S.; Florida Board of Governors Regulation 7.001(14) (Nov. 4, 2010).

⁵² Section 1009.24(17), F.S.

Learning Consortium in April 2010, distance learning course fees assessed by SUS institutions for courses listed in the Catalog ranged from \$0 to \$190 per credit hour.⁵³

Other User Fees, Fines, and Surcharges. The BOT of a SUS institution is authorized to assess the following user fees and fines:

- ❖ A nonrefundable application fee in an amount up to \$30.
- ❖ An orientation fee in an amount up to \$35.
- ❖ A fee for security, access, or identification cards. The annual fee for a card may not exceed \$10 and the fee for a replacement card may not exceed \$15.
- ❖ Registration fees for audit and zero-hours registration.
- ❖ A service charge up to \$15 for the payment of tuition and fees in installments.
- ❖ A late-registration fee and late-payment fee, both of which must individually be for an amount of at least \$50 but not in excess of \$100.
- ❖ A transcript fee and diploma replacement fee up to \$10 per item.
- ❖ A nonrefundable admissions deposit for undergraduate, graduate, and professional degree programs in an amount up to \$200.
- ❖ A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee.
- ❖ A fee for materials and supplies consumed in the course of a student's instructional activities, excluding the cost of equipment replacement, repair, and maintenance.
- ❖ Rent for housing and fees for miscellaneous housing services requested by a student.
- ❖ A charge that represents the reasonable cost of efforts to collect payment for overdue accounts.
- ❖ A service charge on SUS institution loans in lieu of interest and administrative handling charges.
- ❖ A fee for off-campus course offerings when the location results in identifiable costs.
- ❖ Library fees and fines.
- ❖ Fees relating to duplicating, photocopying, binding, microfilming, copyright services, and standardized testing.
- ❖ Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.
- ❖ A returned-check fee.
- ❖ Traffic and parking fines, charges for parking decals, and transportation access fees.
- ❖ A fee for child care offered by an Educational Research Center for Child Development.⁵⁴

For the fees listed above which specify a cap amount, the BOG is authorized, effective July 1, 2010, to approve proposals from the BOT of a SUS institution to increase the cap amount.⁵⁵ Such proposals must be submitted in accordance with guidelines established by the BOG and only one cap increase may be approved per fiscal year. When reviewing proposals the BOG must consider:

- ❖ The services or operations currently being funded by the fee.

⁵³ Email, Florida Distance Learning Consortium (June 2, 2010).

⁵⁴ Section 1009.24(14), F.S.; Florida Board of Governors Regulation 7.003 (Nov. 4, 2010).

⁵⁵ Section 21, ch. 2010-78, L.O.F., *amending* s. 1009.24(15)(a)2., F.S.

- ❖ Whether the services or operations can be performed more efficiently to alleviate the need for any increase.
- ❖ The additional or enhanced services or operations to be funded by the increase.
- ❖ Whether any alternative resources are available to meet the need.
- ❖ Whether the financial impact on students is warranted in light of other charges assessed to students for tuition and associated fees.⁵⁶

As of December 2010, the BOG has not yet approved any cap increases for the 11 institutions in the SUS.⁵⁷

Additionally, a BOT for a SUS institution: may assess a convenience fee for processing credit, charge, and debit card payments, which may not exceed the cost of providing the service;⁵⁸ and must assess an excess hour fee for certain credit hours taken by an undergraduate student, who entered a baccalaureate degree program for the first time in Fall 2009 or thereafter, which exceed 120 percent of the number of credit hours required to complete the program.⁵⁹ The amount of the excess hour fee is a surcharge equal to 50 percent of the tuition rate for each excess credit hour.⁶⁰

New Fees. Effective July 1, 2010, the BOG is authorized to approve a proposal from the BOT of a SUS institution to assess a new student fee that is not specifically authorized in statute.⁶¹ The proposal must be submitted in accordance with guidelines established by the BOG. When reviewing a proposal the BOG must consider:

- ❖ The purpose of the new fee.
- ❖ Whether there is a demonstrable student-based need for the new fee that is not currently being met through existing university services, operations, or another fee.
- ❖ Whether the financial impact on students is warranted in light of other charges assessed to students for tuition and associated fees.
- ❖ Whether any restrictions, limitations, or conditions should be placed on the use of the fee.
- ❖ Whether there are outcome measures to indicate if the purpose for which the fee was established is accomplished.⁶²

The aggregate sum of all new fees approved by the BOG for an institution may not exceed 10 percent of tuition.⁶³ Further, revenue from the fee may not be transferred to an auxiliary enterprise or a direct-support organization and may not be used for the purpose of paying or securing a debt.⁶⁴

⁵⁶ Section 1009.24(15)(a)2., (b), (d), and (k), F.S.; Florida Board of Governors Regulation 7.003(3) (Nov. 4, 2010).

⁵⁷ Interview with staff with the Board of Governors, State University System of Florida (Jan. 3, 2011).

⁵⁸ Section 215.322, F.S.; Florida Board of Governors Regulation 7.003(22) (Nov. 4, 2010).

⁵⁹ Section 1009.286, F.S.; Florida Board of Governors Regulation 7.003(21) (Nov. 4, 2010).

⁶⁰ *Id.*

⁶¹ Section 21, ch. 2010-78, L.O.F., *amending* s. 1009.24(15)(a), F.S.; Florida Board of Governors Regulation 7.003(23) (Nov. 4, 2010).

⁶² Section 1009.24(15)(c), F.S.; Florida Board of Governors Regulation 7.003(23) (Nov. 4, 2010).

⁶³ Section 1009.24(15)(g), F.S.

⁶⁴ Section 1009.24(15)(j), F.S.

As of December 2010, the BOG has not yet approved any new fees for the 11 institutions in the SUS.⁶⁵

Is the Board of Governors required to report on SUS institution proposals for flexible tuition policies, fee increases, and new fees?

Yes. The BOG must submit an annual report to the President of the Senate, Speaker of the House of Representatives, and Governor that summarizes the proposals received for flexible tuition policies, fee increases, and new fees and the actions taken by the BOG on those proposals during the preceding year. Further for each new fee approved by the BOG, the report must specify the amount of the fee, total revenue generated by the fee, and expenditures made with the revenue.⁶⁶

How is residency determined for purposes of tuition?

Except as discussed in the question below, a student or if the student is a dependent child,⁶⁷ the student's parent,⁶⁸ in order to qualify as a resident for tuition purposes, must have established legal residence in Florida and maintained such residence for at least 12 months prior to the student's enrollment in an institution of higher education.⁶⁹ Residence during the 12-month qualifying period must have been "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."⁷⁰

Evidence of legal residency must be established by "clear and convincing documentation," which requires the submission of at least two documents, one or more of which must be:

- ❖ A Florida voter's registration card;
- ❖ A Florida driver's license;

⁶⁵ Interview with staff with the Board of Governors, State University System of Florida (Jan. 3, 2011).

⁶⁶ Section 1009.24(15)(f), F.S.

⁶⁷ A "dependent child" is a person, whether or not living with his or her parents, who is eligible to be claimed by his or her parents as a dependent under the federal Income Tax Code. If a dependent child's parents are divorced, separated, or otherwise living apart, the child shall be deemed a legal resident of Florida if either parent is a legal resident of Florida notwithstanding which parent claims the child as a dependent for federal income tax purposes. Section 1009.21(1)(a) and (2)(c), F.S.

⁶⁸ The legal residence of a dependent child's parents is considered prima facie evidence of the child's legal residence, except when the child's parents live out-of-state and the child has lived in Florida for five consecutive years immediately prior to enrolling or reregistering in the institution. Prima facie evidence of parental residence may be rebutted by other evidence of legal residence presented by the child. Section 1009.21(4), F.S. Further, statute provides that a dependent child shall qualify as a legal resident of Florida if he or she has continuously lived with an adult non-parent relative who is a legal resident of Florida for five years prior to initial enrollment and the relative exercised day-to-day care, supervision, and control of the child during the five-year period. Section 1009.21(2)(b), F.S.

⁶⁹ Section 1009.21, F.S., governs residency for tuition purposes at institutions in the Florida College System and SUS, charter technical career centers, and school district career centers. Currently, residency for SUS institutions is also addressed in Board of Governors Regulation 7.005, which was last amended on April 21, 2005. Staff for the BOG have indicated that a new rule and regulation on residency will be noticed in early 2011. It is expected that the new rule and regulation will be identical and in compliance with s. 1009.21, F.S. Telephone interview with staff of the Board of Governors, State University System (Nov. 17, 2010).

⁷⁰ Section 1009.21(2)(a), F.S.

- ❖ A Florida identification card;
- ❖ A Florida vehicle registration;
- ❖ Proof of a permanent home occupied by the student or the student's parent if the student is dependent;
- ❖ Proof of a homestead exemption in Florida;
- ❖ Transcripts from a Florida high school for multiple years if the student's high school diploma or GED was earned within the previous 12 months; or
- ❖ Proof of permanent full-time employment in Florida for at least 30 hours per week.⁷¹

Additionally, the documents may include:

- ❖ A declaration of domicile in Florida.
- ❖ A Florida professional or occupational license.
- ❖ Florida incorporation.
- ❖ A document evidencing family ties in Florida.
- ❖ Proof of membership in a Florida-based charitable or professional organization.
- ❖ 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.⁷²

A student who is initially classified as a nonresident for tuition purposes may subsequently become eligible for reclassification as a resident if the student or the student's parent, as applicable, "presents clear and convincing documentation that supports permanent legal residency in this state for at least 12 consecutive months rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein for the prior 12 months while not enrolled in an institution of higher education."⁷³

The determination of whether a student or the student's parent has clearly and convincingly established residency is the responsibility of the public postsecondary institution in which the student enrolls.⁷⁴ Each public postsecondary institution must establish a residency appeals committee comprised of at least three members to consider appeals of student residency determinations. The committee must enter final residency determinations including the reasoning therefore in writing.⁷⁵ The committee's determination is subject to judicial review.⁷⁶

⁷¹ Section 1009.21(3)(b) and (c), F.S.

⁷² Section 1009.21(3)(c)2., F.S.

⁷³ Section 1009.21(6)(a), F.S.

⁷⁴ Section 1009.21(3)(c), F.S.

⁷⁵ Section 1009.21(12), F.A.C.

⁷⁶ See, e.g., *Hallendy v. Florida Atlantic University*, 16 So.3d 1057 (Fla. 4th DCA 2009)(holding that substantial evidence supported finding that university student's residency in Florida was merely incidental to her enrollment, and thus student was not entitled to residency reclassification).

Students should consult with their public postsecondary institutions to obtain additional information regarding residency. Other conditions may apply depending on a student's citizenship, dependency, marital, military, employment, or school transfer status.⁷⁷

Are there other categories of students who are classified as residents for tuition purposes?

Yes. The following persons are classified as residents for tuition purposes:

- ❖ Active duty members of:
 - ◆ The Armed Services who reside or are stationed in this state and their spouses and dependent children.
 - ◆ The Armed Services and their spouses and dependents when they attend an institution in the FCS or State University System (SUS) which is located within 50 miles of the military establishment where they are stationed if the military establishment is in a county contiguous to Florida.
 - ◆ The Canadian military who reside or are stationed in Florida under the North America Air Defense (NORAD) agreement and their spouses and dependent children when they attend an institution in the FCS or SUS located within 50 miles of the military establishment where they are stationed.
 - ◆ 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 when they attend a FCS institution or SUS institution located within 50 miles of the military establishment where they are stationed.
- ❖ Active drilling members of the Florida National Guard.
- ❖ United States (U.S.) 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.
- ❖ U.S. citizens living outside the U.S. who are teaching at a Department of Defense Dependent School or in an American International School and enroll in a graduate-level education program that leads to a Florida teaching certificate.
- ❖ Full-time instructional and administrative personnel employed by state public schools and public postsecondary institutions and their spouses and dependent children.
- ❖ 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.
- ❖ Full-time students from Latin America and the Caribbean who receive scholarships from the federal or state government.
- ❖ Southern Regional Education Board's Academic Common Market graduate students who attend institutions in the SUS.
- ❖ McKnight Doctoral Fellows and Finalists who are U.S. citizens.⁷⁸

⁷⁷ Section 1009.21(2) and (5) through (11), F.S.

⁷⁸ Section 1009.21(10), F.S.

When are students eligible for a tuition and fee exemption or waiver?

Exemptions. A student is exempt from the payment of tuition and fees, including lab fees, at an institution in the SUS if the student:

- ❖ Is enrolled in a dual enrollment or early admission program or an employment and training program under the welfare transition program;⁷⁹
- ❖ Lacks a fixed, regular, and adequate nighttime residence or resides at night in specified types of shelters;⁸⁰ or
- ❖ Has not yet reached 28 years of age and:
 - ◆ Is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services (DCFS) or in the custody of a relative under the Relative Caregiver Program;
 - ◆ Was placed in a guardianship by the court after spending at least six months in the custody of the DCFS while 16 years of age or older; or
 - ◆ Was adopted from the DCFS after May 5, 1997.⁸¹

Additionally, each SUS institution shall exempt: certain fees for active members of the Florida National Guard who participate in the State Tuition Exemption Program or Educational Dollars for Duty Program;⁸² and the non-resident tuition and financial aid fee for up to 25 full-time equivalent students per year who are enrolled through the Florida Linkage Institutes Program.⁸³

Waivers. The BOT for an institution in the SUS:

- ❖ May waive tuition and out-of-state fees for purposes that support and enhance the mission of the institution. All fees waived must be based on policies adopted by the BOT pursuant to regulations adopted by the BOG.⁸⁴
- ❖ Shall waive the educational fees for a certificate, undergraduate, or postgraduate program for the spouse and children of law enforcement and correctional officers and firefighters who are killed in the line of duty and entitled to statutory death benefits. The amount waived may be up to an amount equaling 120 credit hours of tuition and associated fees.⁸⁵
- ❖ Shall waive the educational fees for an undergraduate or postgraduate program for the children of a school district teacher or administrator who is unlawfully killed by a third party act of violence while engaged in the performance of his or her duties. The amount waived may be up to an amount equaling 120 credit hours of tuition and associated fees.⁸⁶

⁷⁹ Section 1009.25(2)(a) and (e), F.S.

⁸⁰ Section 1009.25(2)(f), F.S.; Florida Board of Governors Regulation 7.008(11) (Sept. 16, 2010).

⁸¹ Section 1009.25(2)(c) and (d), F.S.; Florida Board of Governors Regulation 7.008(6) (Sept. 16, 2010).

⁸² Section 250.10(7) and (8), F.S.; rules 6A-10.045, 6C-7.008, and 70.2001, F.A.C.; Florida Board of Governors Regulations 7.015 (Sept. 25, 2008) and 7.008(8) (Sept. 16, 2010).

⁸³ Section 288.8175, F.S.; Florida Board of Governors Regulation 7.008(8) (Sept. 16, 2010).

⁸⁴ Section 1009.26(9), F.S.; Florida Board of Governors Regulation 7.008(1) (Sept. 16, 2010).

⁸⁵ Sections 112.19(3) and 112.191(3), F.S.; Florida Board of Governors Regulation 7.008(3) and (4) (Sept. 16, 2010).

⁸⁶ Section 112.1915(3)(d), F.S.; Florida Board of Governors Regulation 7.008(10) (Sept. 16, 2010).

Postsecondary Tuition & Fee Policy – State University System

- ❖ Shall waive the undergraduate tuition and associated fees of a person who received a Purple Heart or other combat decoration superior in precedence. The waiver is applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.⁸⁷
- ❖ Shall waive tuition and associated fees for an individual found by the Department of Legal Affairs to be entitled to compensation under the “Victims of Wrongful Incarceration Compensation Act” for up to 120 hours of instruction.⁸⁸
- ❖ May waive any or all application, tuition, and related fees for persons who supervise student interns for a state university.⁸⁹ BOG regulation limits this waiver to tuition for six credit hours.⁹⁰
- ❖ May waive up to six credit hours of tuition per term for state employees and full-time university employees on a space-available basis.⁹¹
- ❖ May waive any or all application, tuition, and related fees for persons 60 years of age or older who are residents of this state and who enroll to audit college credit courses on a space-available basis.⁹²
- ❖ Shall waive tuition and associated fees for the internship credit hours of a graduate student enrolled in a state-approved school psychology training program if the internship is in the public school system under the supervision of a Department of Education certified school psychologist.⁹³
- ❖ May waive the out-of-state fees for nondegree-seeking students enrolled at the institution if the earned student credit hours generated by the students are nonfundable and the direct cost for the program of study is recovered from the fees charged to all students.⁹⁴
- ❖ May waive tuition, associated fees, and material and supply fees for participants in a sponsored credit institute or program.⁹⁵
- ❖ May waive tuition and fees for up to six credit hours per term to a classroom teacher who is employed full-time by a school district. The waiver may only be granted on a space-available basis for undergraduate courses that have been approved by the Department of Education and are related to special education, mathematics, or science.⁹⁶

Each institution in the SUS must report the purpose, number, and value of all fee waivers granted annually.⁹⁷

⁸⁷ Section 1009.26(8), F.S.; Florida Board of Governors Regulation 7.008(12) (Sept. 16, 2010); *see also* State Tuition Assistance for Decorated Veterans Fact Sheet.

⁸⁸ Section 961.06(1)(b), F.S.; Florida Board of Governors Regulation 7.008(19) (Sept. 16, 2010).

⁸⁹ Section 1009.26(2), F.S.

⁹⁰ Florida Board of Governors Regulations 7.001(2) (Nov. 4, 2010) and 7.008(16) (Sept. 16, 2010).

⁹¹ Sections 1009.26(3) and 1009.265, F.S.; Florida Board of Governors Regulation 7.008(13) and (14) (Sept. 16, 2010).

⁹² Section 1009.26(4), F.S.; Florida Board of Governors Regulation 7.008(15) (Sept. 16, 2010).

⁹³ Section 1009.26(5), F.S.; Florida Board of Governors Regulation 7.008(7) (Sept. 16, 2010).

⁹⁴ Section 1009.26(6), F.S.; Florida Board of Governors Regulation 7.008(17) (Sept. 16, 2010).

⁹⁵ Florida Board of Governors Regulation 7.008(2) (Sept. 16, 2010).

⁹⁶ Section 1009.26(10), F.S.; Florida Board of Governors Regulation 7.008(21) (Sept. 16, 2010).

⁹⁷ Section 1009.26(9), F.S.; Florida Board of Governors Regulation 7.008(22) (Sept. 16, 2010).

Where may I obtain additional information?

Board of Governors

State University System of Florida
(850) 245-0466
<http://www.flbog.org>

Florida House of Representatives

Education Committee
(850) 488-7451
<http://www.myfloridahouse.gov>