

# Policy Manual



<b>Title:</b> Florida Residency Requirements for Tuition Purposes	<b>Number:</b> 6Hx2-5.15
<b>Legal Authority:</b> Fla. Statutes 1009.21, 1009.26, 1009.285 Florida Administrative Code Rules 6A-10.044, 6A-20.003, 6A-14.0305	<b>Page:</b> 1 of 5

## GENERAL STATEMENT

Tuition and fees at Broward College (the “College”) are determined based upon one’s status as a permanent legal Florida Resident. In establishing a Florida Resident for tuition purposes, the burden of proof rests with the applicant. During the admissions process to the College, students will be classified as residents or non-residents for the purpose of assessing the credit hour fees. The College complies with *Florida Statutes*, Chapter 1009.21, and State Board of Education Rules regarding Residency for Tuition Purposes.

## THE POLICY AND THE STUDENT

Upon application, students are required to provide appropriate written or electronic documentation to support a claim of Florida Residency, for tuition purposes. Evidence of legal residence and its duration shall include *clear and convincing documentation* that residency in this state was for a minimum of 12 consecutive months immediately prior to a student’s *initial enrollment* in an institution of higher education.

In accordance with current *Florida Statutes*, *Florida State Board of Education Administrative Rules*, and *Statewide Residency Committee Guidelines*, the following individuals will be considered as Florida residents for tuition purposes:

1. A person who has domicile in and who has resided in the State of Florida for at least twelve (12) consecutive months immediately preceding the first day of classes of the enrolled academic term, for which state aid is requested, or a person who can otherwise establish residency for tuition purposes under provisions of *Florida Statutes*, Chapter 1009.21 and Florida Administrative Code 6A-10.044 and 6A-20.003.
  - a. **Dependent Children:** Students who are eligible to be claimed as a dependent under the federal income tax code, establish residency based on their parents residency. A parent means either or both parents of the student, any guardian of a student, or any person in a parental relationship with the student. However, if the dependent child is establishing residency based on their living with an adult relative other than the child’s parents, the child must have resided continuously with such relative for 2 years immediately before the child’s initial enrollment at the College.
  - b. A student who physically resides in Florida may be classified as a resident for tuition purposes if she or he marries a person who meets the 12-month residency requirement and who is a legal resident of Florida.
  - c. Students can establish residency by submitting two documents in accordance with Florida Statutes 1009.21.

<b>History:</b> Issued as Policy 5.23 ( <i>Florida Residency Requirements – Special Provision</i> ) on February 21, 1978; revised on September 18, 1984; revised on December 16, 1986; revised, re-titled, and re-numbered on July 23, 1997; revised August 26, 2008; revised August 17, 2010; revised August 23, 2011; revised April 22, 2014; revised September 23, 2014; revised August 11, 2015			
<b>Approved by the Board of Trustees</b>	<b>Date:</b> 8/11/2015	<b>President’s Signature</b> 	<b>Date:</b> 8/11/2015 00/00/00

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2. Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard who qualify under s. 250.10(7) and (8) for the tuition assistance program; 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. Honorably discharged veterans of the United States Armed and Reserve Forces (Air Force, Army, Coast Guard, Marines, and Navy) and the National Guard (Army and Air) or any other student who is entitled to and uses educational assistance provided by the United States Department of Veterans Affairs who physically resides in Florida while enrolled as a degree or certificate seeking student are eligible for a waiver of out-of-state tuition and fees.. Evidence of eligibility includes:
  - a. A current Florida driver license or Florida identification card or other documentation to demonstrate physical residence in Florida as established in State of Florida Residency Rules and Guidelines.
  - b. Military separation documentation such as the most recent Certificate of Release or Discharge from Active Duty (i.e., DD Form 214) to demonstrate veteran and discharge status.
  - c. Documentation from the United States Department of Veterans Affairs that the student requesting the out-of-state fee waiver is eligible for educational assistance.

Pursuant to Florida Statute 1009.285, a student will be required to pay tuition at one hundred (100) percent of the full cost of instruction upon the third attempt of a course unless granted an exception due to extenuating circumstances.

4. Active duty members of the Armed Services of the United States and their spouses and dependents attending a public community college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida. In accordance with Policy 6Hx2-6.13, active duty members of the Armed forces of the United States do not have to prove residency to receive in-state tuition.
  
5. Florida residents who had their residency in Florida interrupted by service in the United States Armed Forces, the Peace Corps, or other similar volunteer organizations fostered by the United States Government will be deemed to have had residency in Florida during times of service in these organizations.

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6. Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in *Florida Statutes*, Chapter 1000.04, and their spouses and dependent children.
  
7. 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.
  
8. Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any such student will 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 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 community college or state 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 Florida Statute 1009.98.
  
13. Linkage Institute participants receiving partial or full exemptions from Florida Statute 1009.21, based on criteria approved by the Florida Department of Education per Florida Statute 288.8175, which establishes linkage institutes between postsecondary institutions in this state and foreign countries.
  
14. Students who meet the following conditions, including but not limited to, students who are undocumented for federal immigration purposes, are eligible for a waiver of out-state tuition and fees

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up to 110 percent of the required credit hours of the degree or certificate for which the student is enrolled:

- a. Attended a secondary school in the state for 3 consecutive years immediately before graduating from a high school in the state;
- b. Student must apply for enrollment in an institution of higher education within 24 months after high school graduation;
- c. Submit an official Florida high school transcript as evidence of attendance and graduation

Residency classification previously made for transfer students at another Florida public college or university will be recognized by the College unless the student's residency status has changed or an error was made in the original classification.

Any student may seek reclassification as a Florida Resident at any time as personal circumstances change.

## THE POLICY AND THE FACULTY AND STAFF

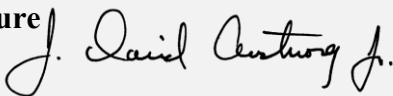
Florida Statutes 1009.21 provides guidance to institutions of higher education for determining residency for tuition purposes. Broward College full-time employees and their dependents are classified as residents for tuition purposes.

## IMPLEMENTATION AND OVERSIGHT

The President has the authority to establish procedures to implement this policy. The Associate Vice President for Student Affairs/College Registrar, under the direction of the Vice President for Student Affairs and Enrollment Management is responsible for the implementation and oversight of policy compliance. Students who wish to grieve a decision of the Campus Admission Office may appeal in writing to the College Residency Appeal Committee within 5 business days after the decision was rendered on the campus. The Residency Appeal Committee will make a decision, in accordance with the FAC 6A-10.044, the guidelines of the Statewide Residency Committee, and in accordance with College Policy and Procedure 6Hx2-5.28—Academic Standards Committee, within 7 business days after receipt of the petition. The Residency Appeal Committee will render to the student a final determination, in writing, including the reasons for making the decision.

## VIOLATION OF POLICY

Students and applicants for admission to the College are required to accurately complete all forms related to admission to the College for determining the initial or re-classification of Residency for Tuition Purposes. Students and applicants who provide false or misleading information will be denied admission to the College. Based on the severity of the situation, the College may take any one or all of the actions below when

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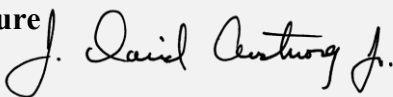
students or applicants provide false information regarding residency for tuition purposes: (1) bill the difference of the in-state and out-of-state rate for all enrolled courses where the incorrect tuition was charged, (2) place a hold on any official academic records until all outstanding debts are paid to the College, and/or (3) refer the student to the disciplinary committee for Student Code of Conduct violations pursuant to College Policy and Procedure 6Hx2-5.02.

## DEFINITIONS

**Florida Resident** – A student is considered a Resident of the State of Florida for tuition purposes if they provide clear and convincing evidence of meeting Florida Residency requirements as established in Florida Statute 1009.21, the Florida State Board of Education Administrative Rules 6A-10.044 & 6A-20.003, and Florida Department of Education Residency Guidelines.

**Initial enrollment** – means the *first day of class* at an institution of higher education.

**Residency Appeal Committee** – The committee is comprised of at least three members who review documentation submitted to support an appeal and determine if a student should be classified as a resident for tuition purposes.

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