

INDIAN RIVER STATE COLLEGE

Procedure for Florida Resident for Tuition Purposes

This procedure details Indian River State College's process for validation of Florida residency for tuition purposes in compliance with the provisions of Florida Statute 1009.21 and State Board of Education Rule 6A-10.044.

CLASSIFICATION STATUS

Initial classification as a Florida resident for tuition purposes applies to the following student applicants:

- Those submitting an application for the first time;
- Those enrolling after a period of twenty-four (24) months of non-enrollment.

Reclassification will be applied to those students who have attended as out of state. See page 2 for details.

ELIGIBILITY CRITERIA for RESIDENT for TUITION PURPOSES for INITIAL CLASSIFICATION

To be eligible for Florida residency for tuition purposes, a student must satisfy the following three criteria:

- 1) be a U.S. Citizen or legal alien granted indefinite stay and eligible for study in the U.S. per Rule 6A-10.044,
- 2) demonstrate independent/dependent status as defined by the student's birthdate per federal income tax code,
- 3) submit Form FRD-1 Florida Residency Declaration and provide two documents evidencing legal residence in Florida for at least 12 consecutive months immediately prior to the first day of classes for the term for which Florida residency is sought.

If the student is a dependent under the federal income tax code, then the parent or legal guardian must submit the Florida Residency Declaration documenting 12 months of continuous residency and primary domicile prior to the classification term. All U.S. citizen dependent students who meet the statutory requirements for Florida residency, regardless of parental immigration status in the U.S., will be classified as residents for tuition purposes. All non-U.S. citizen dependent students, along with their parent or legal guardian as claimant, must provide proof of an eligible U.S. immigration status in addition to meeting statutory requirements for residency for tuition purposes.

DETERMINATION of DEPENDENT or INDEPENDENT STATUS

A student who meets any one of the following criteria may request classification as an independent:

- The student is 24 years of age or older by the classification term;
 - The student is married;
 - The student has a child or other dependents for whom the student provides more than half of their support;
 - The student is a veteran or currently on active duty in the United States Armed Services;
 - Both of the student's parents are deceased or the student is or was a ward of the court;
 - The student earns more than 50% of the cost of attendance. Valid income documentation includes: tax return, W-2 form, pay stub, employment earnings statement, or other evidence of self-supporting income within the last 12 months.
- Contact the Student Records Office for the current income amount, which is set annually by the Financial Aid office.

A student who does not meet the above criteria for independence shall be classified as a dependent student and must submit their parent's or legal guardian's residency documentation. Additional documentation may be required to prove parental relationship.

DOCUMENTATION for FLORIDA RESIDENT for TUITION PURPOSES for INITIAL CLASSIFICATION

Two documents (2) dated or issued at least 12 months prior to the first day of classes for the term for which residency is requested are required and must be presented prior to the student's initial term of enrollment.

Sect.1009.21(3)(c)1.FS: The documents MUST include at least one of the following (Tier 1):

- a. A Florida voter's registration card.
- b. A Florida driver's license or State of Florida identification card.
- c. A Florida vehicle registration.
- d. Proof of ownership of a permanent home in Florida as primary residence or proof of homestead exemption.
- e. Proof of permanent full-time employment in Florida (at least 30 hours per week for a 12-month period).
- f. For dependent students only: A Florida high school transcript showing multiple years' enrollment, or a State of Florida High School Diploma transcript, and a graduation/completion date within the previous 12 months, in conjunction with another Tier 1 or Tier 2 document from the parent or legal guardian.

Sect.1009.21(3)(c)2.FS: The documents may include one or more of the following (Tier 2):

- a. A declaration of domicile in Florida (not valid if home ownership or homestead exemption submitted).
- b. A Florida professional or occupational license.
- c. Florida incorporation.
- d. Proof of membership in a 401C Florida-based charity or professional organization registered with the state of FL.
- e. Any other documentation that supports the request for resident status, including a lease, notarized letter of housing, or an official state, federal, or court-ordered transfer of legal ties to Florida.

Residency documentation is subject to validation through Florida state databases.

STATUTORY EXCEPTIONS

Some students, by statute provisions, (e.g., military, public school teachers, etc.) may be classified as Florida residents for tuition purposes. Exceptions that may be considered eligible for resident status include:

- Dependents residing with a legal resident adult relative other than the parent/legal guardian for at least 3 years. (Tax return showing proof of dependency required.)
- Students who were enrolled in a Florida public postsecondary institution and classified as a resident for tuition purposes within the last 12 months. (Official transcript noting Florida residency required.)
- 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. (DD2058 required.)
- Full-time instructional and administrative personnel employed by Florida public schools and institutions of higher education and their spouses and dependent children. (Proof of employment required.)
- Full-time employees of state agencies/political subdivisions of the state whose student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.
- Qualified beneficiaries of the Florida Pre-Paid College Program as defined in F.S. 1009.98(2), unless otherwise eligible by the guidelines set herein. (Proof of Florida Pre-Paid required.)

Florida Administrative Code Rule 6A-10.044(1)(a) Exception

A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding his or her initial enrollment at IRSC and graduated from a Florida high school or earned a State of Florida High School Diploma as authorized under Rule 6A-6.0201, F.A.C., within the last twelve (12) months may use their high school transcript or the official transcript for the State of Florida High School Diploma as evidence of Florida residency. At least one (1) additional document identified in F.S. Sect.1009.21(3)(c)1. or 1009.21(3)(c)2., F.S., (see Documentation Tier 1 and Tier 2 List) must be presented evidencing parental legal residence.

RECLASSIFICATION from OUT-of-STATE to FLORIDA RESIDENT for TUITION PURPOSES

Per Florida Administrative Code Rule 6A-10.044(2), a student who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in Section. 1009.21(3)(c)1. or 1009.21(3)(c)2., F.S., that convincingly demonstrate the establishment of permanent legal residence in Florida other than for the sole purpose of pursuing a postsecondary education. Documentation must demonstrate that the student or, if the student is a dependent, his or her parent, has maintained legal residence in Florida for at least twelve (12) consecutive months prior to his or her request for reclassification. The documentation must include at least one item from F.S. Sect.1009.21(3)(c)1, plus 2 additional documents from either F.S. Sect.1009.21(3)(c)1. or 1009.21(3)(c)2.

EVALUATION of DOCUMENTARY EVIDENCE

As defined in Florida Statute and Board Rule, living or attending school in Florida is not tantamount to establishing a legal residence for tuition purposes. A student who requests resident status but provides information or documentation that is inconsistent with other areas of his/her application may not meet the eligibility requirements for Florida residency for tuition purposes. In evaluating documentary evidence, there must be an absence of information that contradicts the student's claim of resident status. Possession of a legal tie to any other state (i.e., driver's license, vehicle registration) may preclude a student from being classified as a Florida resident for tuition purposes. No single piece of evidence provides definitive proof of residency. Residency determination is based on the entirety of the evidence.

RESIDENCY APPEALS

A student who is otherwise unable to qualify as a Florida resident by the guidelines set herein, may submit a Residency Petition for In-state Tuition to the Residency Appeals Committee in the Office of Student Records. The student must include documentation evidencing the grounds on which the appeal for in-state classification is based. Petition forms are available at any campus. The Residency Appeals Committee will render a final residency decision in writing that includes the reason for the determination. Petitions will be evaluated based on Florida state statute and documentary evidence.

ADDITIONAL RESOURCES

Florida Statute 1009.21 is located at <http://www.flsenate.gov/Laws/Statutes/2016/1009.21>.

Florida Administrative Code Rule is located at <https://www.flrules.org/gateway/ruleNo.asp?id=6A-10.044>

Florida State Residency Guidelines are located at floridashines.org under the "Go to College" "Pay for College" link.

For additional questions about residency, please contact Student Records at (772) 462-7460.

This Residency Procedure is intended to be a guide, not a legal document.