

7.005 Residency for Tuition Purposes.

(1) The purpose of this regulation is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with the criteria set forth in Section 1009.21, F.S.

(2) For Initial Determination of Residency:

(a) A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding his or her initial enrollment in an institution of higher education and graduated from a Florida high school or earned a Florida GED within the last twelve (12) months may use the high school transcript or GED certificate as evidence of Florida residency. At least one (1) additional document identified in Section 1009.21(3)(c)1. or 1009.21(3)(c)2., F.S., must be presented evidencing his or her parent's legal residency in Florida.

(b) If a declaration of domicile, pursuant to Section 222.17, F.S., is being used as one of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months hence from the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to the Clerk. Nothing in this subsection shall prevent the use of additional documentation as evidence that legal residency was established by other means pursuant to Section 1009.21(3)(c), F.S., as of a date earlier than that established by the declaration of domicile.

(3) For Residency Reclassification Determination. 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 immediately prior to the first day of classes for the term for which residency reclassification is sought except as otherwise provided in Section 1009.21(6), F.S.

(4) The burden of providing clear and convincing documentation that justifies the university's classification of a student as a resident for tuition purposes rests with the applicant. For documentation to be "clear and convincing," it must be credible, trustworthy, and sufficient to persuade the university that the applicant has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished legal residency in any other state for

at least twelve (12) months prior to classification. Each university may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes.

(5) A non-United States citizen may be eligible to establish residency for tuition purposes if evidence is presented verifying that he or she is legally present in the United States, has met the residency requirements of Section 1009.21, F.S., and the person is one of the following:

(a) A foreign national in a nonimmigrant visa classification that grants the person the legal ability to establish and maintain a bona fide domicile in the United States according to the United States Citizenship and Immigration Services (USCIS).

1. The following visa categories grant the person the legal ability to establish and maintain a bona fide domicile in the United States according to USCIS: A, E, G, H-1B, H-1C (classification expires 12-20-2011), I, K, L, N, NATO 1-7, O-1, R, S, T, U, and V.
2. The following visa categories do not grant the person the legal ability to establish and maintain a bona fide domicile in the United States according to USCIS: B, C, D, F, M, P, Q, and TN. J visa holders are not eligible to establish residency for tuition purposes except as provided in Section 1009.21(10), F.S.
3. The student, and parent if the student is a dependent, must present evidence of legal presence in the United States.

(b) A permanent resident alien, parolee, asylee, Cuban-Haitian entrant, or other legal alien granted an indefinite stay in the United States. The student, and parent if the student is a dependent, must present evidence of legal presence in the United States.

(6) Each university's residency appeal process established pursuant to Section 1009.21(12), F.S. shall be in writing and displayed prominently on the university's Web site.

Authority: Section 7(d), Art. IX, Fla. Const., History – Formerly 6C-2.51, 11-18-70, 8-20-71, 6-5-73, 3-4-74, 12,17,74, 1-13-76, 12-13-77, 8-11-81, 6-21-83, 12-14-83, 6-10-84, 10-7-85, 12-31-85, Formerly 6C-7.05, 11-9-92, 4-16-96, Amended and Renumbered 4-21-05. Amended 03-24-11.