

Florida Residency for Tuition Purposes

Florida Residency for Tuition Purposes refers to whether you are an in-state Florida resident or an out-of-state resident, and this classification determines your tuition cost as defined by Florida state statute 1009.21 and the State Board of Education Rule 6A-10.044. Students are encouraged to review the following documents for additional information:

All applicants must complete the Residency Classification for Tuition Purposes section of the application and submit the required documentation, regardless of the duration of their presence in Florida. A Florida resident for tuition purposes is defined as an individual who has resided in the state for 12 consecutive months while not enrolled in an institution of higher learning, prior to the beginning of classes, and who has established legal ties in Florida according to Florida Statute 1009.21.

Florida Legislature has recently implemented significant changes to Florida Statute 1009.21. For updated information, please visit [here](#). Florida residency content can be found beginning on page 10.

Students who are non United States citizens must provide appropriate documentation from Immigration and Naturalization Services that designates their status while living in the United States. Resident alien cards (green cards), employment authorization cards, or Visas must be submitted at the time students submit their application. All documentation must be valid. Those applicants with expired paperwork must be referred to the Office of Immigration and Naturalization Services. All students who were previously classified as non-U.S. citizens and are now returning as U.S. citizens must submit proper documentation.

Paperwork may be sent by fax, mail, or delivered in-person to the Graduate College Office. Please allow at least 10-14 business days for processing of any new, incoming residency documents. The residency evaluation process may, in some cases, take up to six weeks depending on the student's individual situation and the availability of requested documents.

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What are the Basic Requirements for Florida Residency?

To qualify as a Florida resident for tuition purposes, the claimant (person claiming residency for the student; may be a parent, spouse, legal guardian, or the student themselves) must have established and maintained legal residence and physical presence in Florida for at least 12 months prior to the first day of classes of the term for which Florida residency is being sought. The law allows U.S. citizens, permanent resident aliens, or legal aliens granted indefinite stay by the Bureau of Citizenship and Immigration Services to be classified as a Florida resident if the applicant, or the claimant in cases where the student is dependent, has met the requirement of residency in the state for at least 12 months preceding the first day of classes. Persons who do not meet the following requirements may be classified as a Florida resident only if they fall within one of the **special categories** as noted in Section 1009.21, Florida Statutes.

How do I determine if I'm a dependent student or an independent student?

All graduate students are considered independent by the state of Florida for residency purposes.

How do I prove financial independence?

Proving Financial Independence:

If you feel you qualify as an independent student because you provide a minimum of 51% of your own support, you must prove that you are self-supporting (especially true for those who are under the age of 24). Based on the cost of attendance, it will be determined whether the student meets requirements for being considered financially independent for the purposes of establishing residency for tuition purposes.

Admissions staff will evaluate each student's independence eligibility based on number of credit hours enrolled, number of full-time hours worked, federal income tax return information for the student and parent(s), student income, and other factors.

In order for the student to prove that they provide at least 51% of their own support, the following information is required:

Documents required:

1. Most recent federal income tax returns
2. W-2 forms
3. Pay stubs
4.
 - and proof that the student is no longer claimed as a dependent by their parent or legal guardian.

Documents required:

1. Copy of parent's most recent federal income tax return.

Who is my "claimant"?

A claimant is the person who is providing evidence of the establishment of permanent legal residence in Florida.

For independent students*, the claimant is the student.? Documentation substantiating independent status will be required.? (Please see the **Proving Financial Independence** Section)

*The claimant can be the student's spouse (marriage certificate required). (Please see **Special Categories** section for more information)

What do I need to provide to prove my claim for Florida residency?

The claimant must provide documentation proving both legal ties and physical presence in the state of Florida. Documents must be dated / issued at least 12 months before the first day of the semester for which Florida residency is sought. The claimant must demonstrate the establishment of a bona fide domicile in Florida **and** absence of legal ties to another state. No single document is conclusive.

Documents showing legal ties to Florida: Number of documents to be determined by residency officer.

- Florida Driver's License
- Florida Voter's Registration Card
- Florida Vehicle Registration
- Florida Vehicle Title
- Florida Professional or Occupational License
- Florida Incorporation
- Benefit Histories from Florida Agencies or Public Assistance Programs

Documents showing physical presence in Florida: Number of documents to be determined by residency officer.

- Lease Agreement*
- Utility Bills and proof of 12 consecutive months of payments
- Declaration of Domicile
- Proof of Purchase of a Permanent Home in Florida that is occupied as primary residence
- Proof of Permanent Full-Time Employment

Special Categories

1. I am married to a person who has maintained legal residence in Florida for at least 12 months. I have established legal residence and Florida is my permanent home.

*Required: Residency classification form completed and signed by student's spouse, a copy of your marriage certificate and proof of spouse's Florida residency.

2. I am a member of the armed services of the United States and I am stationed in Florida on active military duty pursuant to military orders, or whose home of record is Florida, or I am a member's spouse or dependent child.

*Required: A copy of student's military orders or DD-2058 showing home of record and, for spouse, a copy of your marriage certificate / license. For a dependent child, a copy of claimant's most recent federal income tax return indicating that the student was claimed as a dependent.

3. According to the Bureau of Citizenship and Immigration Services, I am a permanent resident alien or other legal alien granted indefinite stay and I have maintained a domicile in Florida for at least 12 months.

* Required: Permanent resident aliens and other legal aliens granted indefinite stay by the Bureau of Citizenship and Immigration may be considered for reclassification providing they submit all appropriate documentation. The student must also meet Florida residency criteria.

For a permanent resident alien, acceptable documentation includes:

- A copy of the front and back of your and claimant's (for dependent students) resident alien card, Employment Authorization Card OR
- Proof of issuance of an I-551, OR
- A copy of your I-485 indicating approval for a change in status.

For an international student, proof of visa status is required only the following categories of visa holders are eligible for reclassification consideration. All others are ineligible to establish Florida residency for tuition purposes.

- Visa category A - Government official.
- Visa category E - Treaty trader or investor.
- Visa category G- Representative of international organization.
- Visa category H-1 - Temporary worker performing professional nursing services or in a specialty occupation.
- Visa category H-4 Only if spouse or child of alien is classified H-1.
- Visa category I - Foreign information media representative.
- Visa category K - Fiancé, fiancée or child of a United States citizen
- Visa category L - Intra-company transferee (including spouse or child)

- Visa category N - Parent or child of alien accorded special immigrant status
- Visa category O-1 - Workers of "extraordinary" ability in the sciences, arts, education, business or athletics
- Visa category O-3 - Only if spouse or child of alien is classified O-1
- Visa category R - Religious workers
- Visa category NATO I-7 - Representatives of NATO and their families
- Visa category T - Victims of trafficking, who cooperate with federal authorities in prosecutions of traffickers, and their spouses and children
- Visa category V - Spouses and children of lawful permanent residents.

Non-U.S. citizens in the following categories are also eligible to establish Florida residency for tuition purposes.

- Citizens of Micronesia
- Citizens of the Marshall Islands
- Beneficiaries of the Family Unity Program
- Individuals granted temporary protected status?
- Individuals granted withholding of deportation status
- Individuals granted suspension of deportation status or cancellation of removal
- Individuals granted a stay of deportation status
- Individuals granted deferred action status
- Individuals granted deferred enforced departure status
- Applicants for adjustment of status
- Asylum applicants with INS receipt or Immigration Court stamp

4. I am a full-time instructional or administrative employee of a Florida public school, community college, or institution of higher education, or I am the employee's spouse or dependent child.

*Required: A copy of your employment contract or a letter from your employer verifying employment as a full-time instructional or administrative employee. For a spouse, a copy of your marriage license / certificate. For a dependent child, a copy of the claimant's most recent federal income tax return indicating the student was claimed as a dependent.

5. I am part of the Latin American / Caribbean Scholarship program.

*Required: A copy of your scholarship award letter for the current academic year. Note: You must also be a citizen of a Latin American or Caribbean nation receiving a scholarship award from a Florida state agency of at least \$500 per academic year. Privately administered scholarships do not qualify. Reclassification as a temporary Florida resident for tuition purposes is valid only for the academic year(s) that the scholarship is awarded.

6. I am a qualified beneficiary under the terms of the Florida Pre-Paid Post-Secondary Expense Program.

*Required: A signed copy of the front and back of your Florida Pre-paid expense card.

7. I am a dependent person who has resided for five years with an adult relative other than my parent / legal guardian and my relative has maintained legal residence in Florida for at least 12 months.

* Required: Copies of your adult relative's federal income tax returns for the past five years indicating that the student was claimed as a dependent for the last five consecutive years along with documentation showing legal ties and physical presence in the state of Florida. See section II.

8. I was previously enrolled at a Florida state institution and classified as a Florida resident for tuition purposes. I abandoned my Florida domicile less than 12 months ago and I am now re-establishing Florida legal residence.

*Required: Students must demonstrate that they have relinquished all legal ties to their previous state of residence and that they have re-established legal ties with the state of Florida.

9. I am living on the Isthmus of Panama and have completed 12 consecutive months of college at the FSU Panama Canal Branch or I am the student's spouse or dependent child.

*Required: A copy of your transcript or a letter of enrollment certification from FSU verifying enrollment at the Panama Canal Branch for the past three terms. For a spouse, a copy of your marriage license / certificate. For a dependent child, a copy of the claimant's most recent federal income tax return indicating the student was claimed as a dependent.

10. I am a Southern Regional Education Board's Academic Common Market graduate student.

*Required: A letter of certification from the state coordinator for the Southern Regional Education Board's Academic Common Market.

11. I am a full time employee of state agency or political subdivision of the state whose student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or correction training.

*Required: A letter of verification from your employer indicating you are a full-time employee of a state agency or political subdivision and you are enrolling in courses for the purpose of job-related law enforcement or corrections training.

12. I am a McKnight Fellowship recipient.

*Required: A letter of verification from the Graduate School certifying that you are a McKnight Fellowship recipient.

13. I am an active member of Florida National Guard who qualifies under Florida Statutes s.250.10(7) and (8) for tuition assistance.

*Required: Your interstate Transfer Contract, NGB form 22-5-R-E, if you are an active National Guardsman who has been transferred to Florida from another state OR Your U.S. Armed Forces enlist/re-enlist document, DD 4/1 and 4/2, if you have left the active armed services and have entered the National Guard

I am a Non-U.S Citizen. Do I qualify as a Florida Resident for Tuition Purposes?

Non-US citizens such as permanent resident aliens, parolees, asylees, and other legal aliens granted indefinite stay who have applied and been approved by the U.S. Bureau of Citizenship and Immigration Services, and non-immigrants holding eligible visas may be considered as Florida residents for tuition purposes, provided they meet the 12 month Florida residency requirements.

Eligible Immigration Documentation and Visa Categories:

- Permanent Resident Card.
- Alien Registration Receipt Card I-551
- Passport stamped "Processed for I-551 Temporary Evidence of Law for Permanent Residence" with date.
- Notice of Action Letter I-797 stating approved for permanent residency.
- Employment Authorization Card with valid category A1-18, C09, C24 or C25
- Parolee I-94 Arrival/Departure Record stamped "Paroled pursuant to [Provision of Law & Date]
- Asylee I-94 Arrival /Departure Record stamped "Asylum Status Granted"
- Asylum Office Letter stating request for asylum has been granted
- Refugee I-94 Arrival/Departure Record stamped "Admitted as a Refugee pursuant to Section 207 of the Act"
- Passport stamped " Admitted as Refugee pursuant to Section 207 of the Act"
- Eligible Visa categories: A, E, G, H-1, H-4 accompanied by H-1, I, K, L, N, O-1, O-3 accompanied by O-1, R, NATO I-7, T, and V.

Important things to know about establishing Florida Residency for Tuition Purposes

- A student who comes to Florida to enroll full-time in a state institution of higher learning as an out-of-state resident and continuously? enrolls will not normally meet the Florida residency requirements for in-state tuition regardless of the length of time enrolled.
- Simply living in the state of Florida for a 12 month period or longer and or attending school in Florida does not automatically result in qualification for in-state residency.
- To qualify as a resident for tuition purposes you must be a U.S citizen, permanent resident alien, a legal alien? granted indefinite stay by Homeland Security, or qualify under one the of the special categories outlined on the **Special Categories page**.
- Documents supporting a student's claim for Florida residency must be dated, issued or filed at least 12 months before the first day of the semester for which residency is being sought.
- Students who are dependent on out-of-state parents are presumed to be legal residents of the same state as their parents.
- Residence in the state of Florida must be for the purpose of establishing a permanent home and not merely incident to enrollment at an institution of higher education.
- A marriage license / certificate is required in all cases where a spouse is claiming residency on their? partner's behalf.
- Leases and employment verification show physical presence only. Additional information is required to show legal ties to the state of Florida in order to qualify for residency.
- Retaining legal ties to any state other than Florida is considered evidence that can disqualify a student from being considered as a bona fide resident of Florida. **Example:** having a license from another state is considered a legal tie to a state other than Florida.

Definitions

Bona Fide Domicile - A person's predominant and principal state of residence and their place of abode that they recognize and intend to maintain as their permanent home.

Claimant - The person who is providing evidence of the establishment of permanent legal residence in Florida. For independent students, the claimant is the student. For dependent students, the claimant can be the student's parent, legal guardian or spouse.

Declaration of Domicile - A sworn statement which states that you reside in and maintain a place of abode in the Florida County of residence in which the document is filed. The signed and notarized document is filed with the Clerk of Courts and states that you relinquish all legal ties with your previous state of residence. The document must be filed 12 months prior to the start of the semester for which Florida residency is sought.

Legal Guardian - A legal guardian is appointed by the Florida court system. If the claimant is the court-appointed legal guardian, the student must submit a copy of the court decree naming the claimant as their guardian. A person other than a parent who claims the student as a dependent for income tax purposes is not considered the student's legal guardian. Notarized letters and Power of Attorney paperwork are not considered legal guardianship documents.

Physical Presence - It is important to note that living or attending school in Florida is not tantamount to establishing a legal residence for tuition purposes. Maintaining a legal residence in Florida requires substantial physical presence as a condition. It is imperative that the required 12 month qualifying period be 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.

Legal Ties -Documents showing legal ties to the state of Florida:

- Florida Driver's License
- Florida Voter's Registration Card
- Florida Vehicle Registration
- Florida Vehicle Title
- Declaration of Domicile
- Proof of Purchase of a Permanent Home in Florida that is occupied as primary residence
- Proof of Permanent Full-Time Employment
- Florida Professional or Occupational License
- Florida Incorporation
- Benefit Histories from Florida Agencies or Public Assistance Programs

Appeal Procedures

In cases where a student's residency is denied by the university, they will receive written notification of their residency status along with a Residency Classification Appeal form. Students may appeal their residency? classification decision by submitting a completed Residency Classification Appeal form along with any additional supporting documentation or personal statement. The student's case will be referred to the residency appeal committee for review. The residency appeal committee will render a final decision in writing to the student.? Letters will also be issued for deferred decisions should the committee request additional information.