

GUIDELINES ON FLORIDA RESIDENCY FOR TUITION PURPOSES

Adopted by the Articulation Coordinating Committee

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For use by Charter Technical Career Centers/Career Centers, The Florida College System and the State University System of Florida in determining residency for tuition purposes and by authorized independent colleges and universities in determining eligibility for state financial aid programs.

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SECTION 1.0 – INTRODUCTION

The policy regarding residency for tuition purposes in Florida is composed of several layers, including state statute, rules of the two higher education governing boards in Florida, and statewide guidelines developed by college and university administrators in conjunction with the Statewide Residency Committee, the Florida Department of Education, and the State University System of Florida Board of Governors (Board of Governors). All residency determinations are made by the postsecondary institution.

1.1 Residency Statute

Section 1009.21, Florida Statutes, outlines the broad legal parameters for establishing residency for tuition purposes in Florida public higher education institutions. Additionally, students at independent higher education institutions in Florida who want to qualify for state financial aid programs (e.g., Bright Futures, Florida Resident Access Grant) must meet its provisions. It is the highest level of authority regarding residency as established by the Florida Legislature. This statute also provides authority for the Department of Education and the Board of Governors to establish rules related to residency for tuition purposes.

Click link below for the full text of the residency statute:

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch1009/SEC21.HTM&Title=->2002->Ch1009->Section%2021

1.2 Residency Rules/Regulation

In 2005, the State Board of Education and the Board of Governors adopted an identical residency rule. This rule was forwarded for consideration by the Articulation Coordinating Committee (ACC). The Statewide Residency Committee, a subcommittee of the ACC, proposes changes to this rule based on feedback from career centers, Florida colleges, universities, and independent institutions. The residency rule provides further detail regarding the process and requirements for residency. However, it does not function so as to modify or conflict with any of the broader requirements in statute. The State Board of Education also has a rule related to Florida residency as a requirement for the receipt of state student aid.

Click link below for the full text of State Board of Education Rule 6A-10.044:

<https://www.flrules.org/gateway/RuleNo.asp?ID=6A-10.044>

Click link below for the full text of the Board of Governors Regulation 7.005:

http://flbog.edu/documents_regulations/regulations/7_005_Residency_for_Tuition_Purposes.pdf

Click link below for the full text of State Board of Education Rule 6A-20.003:

<https://www.flrules.org/gateway/RuleNo.asp?ID=6A-20.003>

1.3 Residency Guidelines

This Residency Guidelines document was adopted by the Articulation Coordinating Committee to assist college and university administrators in implementing Section 1009.21, Florida Statutes; Rules 6A-10.044 and 6A-20.003, Florida Administrative Code; and the Board of

Governors Regulation 7.005. The guidelines, as maintained by the Statewide Residency Committee, are used to determine residency status for tuition purposes in public career centers, Florida colleges and universities, as well as by authorized independent colleges and universities in determining eligibility for state financial aid programs.

SECTION 2.0 – BASIC PROVISIONS

2.1 Residency for Tuition Purposes

U.S. citizens, lawful permanent residents, and aliens lawfully present in the United States who are in an eligible Visa category may be classified as a Florida resident for tuition purposes if the applicant or the dependent applicant's parent/legal guardian has established legal residence in the State for at least 12 consecutive months immediately prior to the first day of classes of the term for which Florida residency is sought.

2.2 Physical Presence vs. Legal Residence

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. However, absolute physical presence is not required. For example, a person might take vacations outside Florida without altering his/her residency status. Finally, in some circumstances, a person may leave Florida to work or attend school temporarily in another state and still remain eligible for residency. Eligibility in these circumstances depends on the extent to which the absentee Florida resident maintains Florida legal ties and does not establish ties with another state.

The statute addresses certain family situations as related to legal residency. In particular:

- The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be considered Florida if either parent is a legal resident of this State – regardless of who claims the dependent individual for federal income tax purposes. [s. 1009.21(2)(c), FS]
- For a dependent child, the legal residence of his/her parents is prima facie evidence (i.e., evidence that establishes a fact if uncontested) of the child's legal residence; however, the evidence may be reinforced or rebutted, relative to the age and general circumstances of the dependent child, by the other evidence of legal residence required of or presented by the dependent child. [s. 1009.21(4), FS]
- An individual will not be precluded from establishing or maintaining legal residence in Florida by reason of marriage to a person domiciled outside this state provided the individual maintains legal residence in this State. An individual will not automatically qualify for residency based solely on marriage to a Florida resident. [s. 1009.21(5), FS]
- For a dependent child, the legal residence of his/her parents who are domiciled outside this state is not prima facie evidence (i.e., evidence that establishes a fact if uncontested) of the child's legal residence if that child has lived in this state for 5 consecutive years prior to enrolling or re-registering at a higher education institution. [s. 1009.21(4), FS]

- An individual shall not lose his or her resident status solely by reason of his/her service or parent's service in the Armed Forces outside this state. [s. 1009.21(7), FS]
- For individuals who have been classified properly as residents for tuition purposes but who, while enrolled, lose resident tuition status because he/she or his/her parents establish domicile or legal residence elsewhere, shall have the benefit of in-state tuition for a 12-month grace period from the date on which the change was official (extended to the end of the term in which the 12 months is reached). [s. 1009.21(8), FS]

2.3 Requisite Intent

As provided by Section 1009.21(2)(a)2, F.S., 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.

The student who comes to Florida to enroll full-time in a Florida higher education institution as an out-of-state resident and continuously enrolls in a Florida institution will not normally meet the Florida residency requirement for in-state tuition regardless of the length of time enrolled.

2.4 Exceptions/Qualifications

Statutory Exceptions and Qualifications. Section 1009.21, Florida Statutes, permits certain applicants who do not meet residency requirements to be classified as Florida residents for tuition purposes. If a dependent child has been residing continuously with a legal resident adult relative other than the parent for at least 5 years immediately prior to the first day of classes of the term which Florida residency is sought, the dependent child may provide documentation from the adult relative or from the parent. Both the dependent child and the adult relative or the parent must meet the consecutive 12 month legal residence requirement [s. 1009.21(2)(b), FS].

The institution will require documentation in support of the following exceptions; however, the student does not have to show 12 months of residence in Florida prior to qualifying. These exceptions and qualifications categories are as follows:

1. Persons who were enrolled as Florida residents for tuition purposes at a Florida public institution of higher education, but who abandon Florida domicile and then re-enroll in Florida within 12 months of the abandonment – provided that he/she continuously maintains the re-established domicile during the period of enrollment. (This benefit only applies one time.) [s. 1009.21(9), FS].
2. Active duty members of the Armed Services of the United States residing or stationed in Florida (and spouse/dependent children); active drilling members of the Florida National Guard; 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). [s. 1009.21(10)(a), FS].

3. Active duty members of the Armed Services of the United States and their spouses/dependent children attending a public college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida. [s. 1009.21(10)(b), FS].
4. 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. [s. 1009.21(10)(c), FS].
5. Full time instructional and administrative personnel employed by the State public school system and institutions of higher education as defined in s. 1009.21(c) (and spouse/dependent children). See Appendix A, Frequently Asked Questions, for definition of instructional and administrative personnel. [s. 1009.21(10)(d), FS].
6. Students from Latin America and the Caribbean who receive scholarships from the federal or state government. The student must attend, on a full-time basis, a Florida institution of higher education. See Section 7.0, Immigration and International Student Issues, for more information on the qualifying scholarships. [s. 1009.21(10)(e), FS].
7. Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities. [s. 1009.21(10)(f), FS].
8. 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. . [s. 1009.21(10)(g), FS].
9. McKnight Doctoral Fellows and Finalists who are United States citizens. . [s. 1009.21(10)(h), FS].
10. United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate. . [s. 1009.21(10)(i), FS].
11. 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 public community college or university within 50 miles of the military establishment where they are stationed. . [s. 1009.21(10)(j), FS].
12. 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. . [s. 1009.21(10)(k), FS].

13. Qualified beneficiaries under the Stanley G. Tate Florida Pre-Paid College Program per s. 1009.98. (Pre-Paid ID Card Required.) . [s. 1009.98, FS].
14. Linkage Institute participants receiving partial or full exemptions from S. 1009.21, FS, based on criteria approved by the Florida Department of Education per s. 288.8175, FS, which establishes linkage institutes between postsecondary institutions in this state and foreign countries. See Section 7.0, Immigration and International Student Issues, for more information on Linkage Institutes. [s. 288.8175(6), FS].

Certain non-U.S. citizens who are lawfully present in the United States such as lawful permanent residents, persons in temporary visa categories, asylees, parolees, refugees, and Cuban-Haitian entrants who have applied for such status and who otherwise meet the consecutive 12 month legal residence requirements, are eligible to establish Florida residency for tuition purposes. Provided that the non-U.S. citizen has proof of his or her permanent immigration status, he or she may be classified as a Florida resident after 12 consecutive months from the time he or she establishes legal Florida residence for tuition purposes (e.g., 12 months from the time he or she purchases a Florida home, obtains a Florida driver's license, etc.). It is not necessary to wait 12 consecutive months from the date he or she becomes an eligible alien (e.g., the date of the resident alien card (I-551) is issued). Following is a list of nonimmigrant categories eligible to establish Florida residency for tuition purposes.

U.S. Citizenship and Immigration Services Visa categories:

- 1) Visa category A – Foreign Government Officials, including members of their immediate family.
- 2) Visa category E – Treaty Traders and Investors, including their spouse and children.
- 3) Visa category G – Foreign Government Officials to International Organizations, including members of their immediate family.
- 4) Visa category H-1B – Temporary Workers (Speciality Occupations, Department of Defense Workers, Fashion Models and Nurses in HPSA's) including their spouse and children.
- 5) Visa category I – Foreign Media Representatives, including their spouse and children.
- 6) Visa category K – Fiancé(e)s of United States citizen(s), including their children.
- 7) Visa category L – Intracompany Transferees, including their spouse and children.
- 8) Visa category N – Parent or child of alien accorded special immigrant status.
- 9) Visa category O-1 – Workers with Extraordinary Abilities, including their spouse and children.
- 10) Visa category R – Religious workers, including their spouse and children.
- 11) Visa category NATO 1-7 – North Atlantic Treaty Organization Representatives, including their immediate family.
- 12) Visa category S – Alien witnesses and informants, including their spouse and children.
- 13) Visa category T – Victims of trafficking, who cooperate with federal authorities in prosecutions of traffickers, including their spouse and children.
- 14) Visa category U – Victims of Certain Crimes, including their spouse and children.
- 15) Visa category V – Spouses and children of lawful permanent residents.

Non-U.S. citizens who fall within the following categories are also eligible to establish Florida

residency for tuition purposes:

- 1) Citizens of Micronesia.
- 2) Citizens of the Marshall Islands.
- 3) Beneficiaries of the Family Unity Program.
- 4) Individuals granted Temporary Protected Status (TPS).
- 5) Individuals granted Withholding of Removal status.
- 6) Individuals granted Suspension of Deportation status or Cancellation of Removal.
- 7) Individuals granted a Stay of Deportation or Stay of Removal.
- 8) Individuals granted Deferred Action Status.
- 9) Individuals granted Deferred Enforced Departure status.
- 10) Applicants for Adjustment of Status.
- 11) Individuals granted asylum.
- 12) Individuals granted refugee status.
- 13) Individuals granted parolee status.
- 14) Individuals defined as Cuban or Haitian entrants under the Refugee Education Assistance Act

**EXHIBIT 2-1
OVERVIEW OF RESIDENCY QUALIFICATIONS AND EXCEPTIONS**

Type of Exception/Qualification	Requirements/Evidence	Authority
Dependent living for 5 yrs. with adult relative who is legal resident of FL for at least 12 mo. prior to student's qualification	5 years continued residence w/ relative immediately prior & evidence of 12-mo. residency of dependent and relative	Section 1009.21 (2)(b), FS
Person who was enrolled as FL resident, abandons FL residency, and then re-enrolls within 12 months	Evidence of previous enrollment as resident (benefit applies only once)	Section 1009.21(9), FS
Active duty military residing or stationed in FL and spouse/dependents	Military documents	Section 1009.21(10)(a), FS
Active duty drilling member of FL National Guard	National Guard documents	Section 1009.21(10)(a), FS
Military personnel (& spouse/dependents) not stationed in FL but home of record is FL	DD Form 2058	Section 1009.21(10)(a), FS
Active duty military (& spouse/dependents) living in another state (contiguous county) & attending a FL public institution within 50 miles of where stationed	Military documents	Section 1009.21 (10)(b), FS
US citizens living on Isthmus of Panama and spouse/dependent children	Completed 12 mo. at FSU Panama Canal Branch	Section 1009.21 (10)(c), FS
FT instructional & administrative personnel (& spouse/ dependents) employed by FL public school system, community colleges, or universities	Employment paperwork/ See S. 1012.01, FS, for definitions of instructional and administrative	Section 1009.21(10)(d), FS
Students receiving Latin American/Caribbean scholarships from US or FL government	Scholarship paperwork	Section 1009.21(10)(e), FS
SREB Academic Common Market graduate students	Certified letter from ACM coordinator in home state	Section 1009.25(10)(f), FS
FT employees of state agencies/political subdivisions if fees paid by state for law enforcement/corrections training	Employer paperwork	Section 1009.21(10)(g), FS
McKnight Doctoral Fellows and Finalists	US citizenship / Scholarship paperwork	Section 1009.21(10)(h), FS
US citizens teaching abroad at a Dept. of Defense Dependent School or American International School	Enrolled in graduate program for FL teaching certificate	Section 1009.21(10)(i), FS
Active duty Canadian military (& spouse/dependents) residing/stationed in FL under NORAD agreement & attending institution within 50 miles of where stationed	Military documents	Section 1009.21(10)(j), FS
Foreign nation military liaison officers (& spouse/dependents) residing or stationed in FL & attending institution within 50 miles of where stationed	Military documents	Section 1009.21(10)(k), FS
Qualified beneficiaries of the FL Prepaid College Program	Prepaid ID card	Section 1009.98, FS
Linkage Institute participants awarded partial or full exemptions from residency requirements	Linkage Institute verification	Section 288.8175, FS

EXHIBIT 2-1 (CONTINUED)
OVERVIEW OF RESIDENCY QUALIFICATIONS AND EXCEPTIONS

Type of Exception/Qualification	Requirements/Evidence	Authority
Lawful permanent residents (applied for status)	Permanent Resident Card & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule 6A-10.044(4)(b); Regulation 7.005(2)
Other permanent status persons	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	(2); Regulation 7.005(2)
Asylees	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (2); Regulation 7.005(2)
Parolees	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (2); Regulation 7.005(2)
Refugees	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (2); Regulation 7.005(2)
Approved Visa Categories: A, E, G, H-1B, I, K, L, N, O,R, NATO 1-7, S, T, U, V	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (3); Regulation 7.005(3)
Citizens of Micronesia or Marshall Islands	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (4); Regulation 7.005(4)
Beneficiaries of the Family Unity Program	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (4); Regulation 7.005(4)
Individuals granted one of the following: Temporary Protected Status (TPS), Withholding of Removal status, Suspension of Deportation status or Cancellation of Removal, Stay of Deportation or Stay of Removal, Deferred Action Status, Deferred Enforced Departure Status	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (4); Regulation 7.005 (4)
Applicants for adjustment of status	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (4); Regulation 7.005(4)
Asylum applicants	USCIS receipt or Immigration court stamp & evidence of 12-mo. residency of applicant or parent if applicant is dependent	Rule / Sub (4); Regulation 7.005(4)
Cuban-Haitian Entrant	Immigration papers & evidence of 12-mo. residency of applicant or parent if applicant is dependent. An I-94, I551, and Cuban or Haitian passport may be expired for Category One Cuban-Haitian entrants but not for other categories of Cuban-Haitian entrants. Refer to Appendix C for documentation for Cuban-Haitian entrants.	Rule / Sub (4); Regulation 7.005

Source: 6A-10.044, FAC; and Board of Governors Regulation 7.005.

SECTION 3.0 – DETERMINATION OF DEPENDENT OR INDEPENDENT

3.1 Definitions

The determination of dependent or independent status is important because it is the basis for whether the student has to submit his/her own documentation of residency (as an independent) or his/her parent's or guardian's documentation of residency (as a dependent).

Independent Student. A student who meets any one of the following criteria shall be classified as an independent student for the determination of residency for tuition purposes:

1. The student is 24 years of age or older by the first day of classes of the term for which residency status is sought at a Florida institution.
2. The student is married.
3. The student has children who receive more than half of their support from the student;
4. The student has other dependents who live with and receive more than half of their support from the student.
5. The student is a veteran of the United States Armed Forces or is currently serving on active duty in the United States Armed Forces for purposes other than training.
6. Both of the student's parents are deceased, or the student is or was (until age 18) one of the following: (a) a ward/dependent of the court or (b) in foster care.
7. The student is determined an unaccompanied homeless by a school district homeless liaison, emergency shelter or transitional housing program. The student is working on a master's or doctoral degree during the term for which residency status is sought at a Florida institution.

Evidence that the student meets one of these criteria will be requested by the higher education institution.

Dependent Student. A student, whether or not living with his or her parent, who is eligible to be claimed by his or her parent under the federal income tax code shall be classified as a dependent student.

In general, the IRS requires that a "qualifying child" or "dependent" meet six tests:

1. The child must be your son, daughter, or stepchild.
2. The child must be
 - (a) under age 19 at the end of the year and younger than you (or your spouse, if filing jointly),
 - (b) under age 24 at the end of the year and a full-time student and younger than you (or your spouse, if filing jointly), or
 - (c) any age if permanently and totally disabled.
3. The child must have lived with you for more than half of the year subject to IRS exceptions.
4. The child must not have provided more than half of his/her own support for the year.
5. The child is not filing a joint return for the year (unless that joint return is filed only as a claim for refund).
6. If the child meets the rules to be a qualifying child of more than one person, you must be the person entitled to claim the child as a qualifying child.

Some people cannot be claimed as your dependent. Generally, you may not claim a married person as a dependent if they file a joint return with their spouse. Also, to claim someone as a dependent, that person must be a U.S. citizen, U.S. resident alien, U.S. national or resident of

Canada or Mexico for some part of the year. There is an exception to this rule for certain adopted children. See [IRS Publication 501](#), Exemptions, Standard Deduction, and Filing Information for additional tests to determine who can be claimed as a dependent.

3.2 Process/Standards for Proving Independent Status

Dependent or independent status will be based on a copy of a student's or his/her parent's most recent tax return or other documentation as appropriate. This other documentation includes information submitted on or in conjunction with the Admissions Application, on the Residency Statement, or on other supporting evidence collected by the higher education institution. The college or university is not required to collect tax returns for those students who are under the age of 24 and claim to be dependent on the Residency Statement.

The following documents are examples of evidence that must be provided to the higher education institution to prove the student's status as an independent if the student is under the age of 24 by the first day of classes of the term:

- Marriage certificate, insurance information showing marital status, most recent tax return showing marital status;
- Tax returns showing support of children or other dependents who live with and receive more than half of their support from the student;
- Military discharge documents;
- Legal documents showing student is a ward/dependent of the courts; or
- Documentation showing that the student provides more than fifty (50) percent of his/her support for the year (examples may include: tax return, W-2 form, pay stubs, employer earnings verification).

When tax returns are collected for the purpose of proving independent status by virtue of providing support to others, the social security numbers and income figures should be blacked out as the only relevant information on this form relates to whether or not an exemption has been claimed for the student. (The collection of income tax returns poses concerns regarding record retention, identity theft, and financial aid verification requirements.)

When tax returns are collected for the purpose of proving independent status by virtue of providing more than fifty (50) percent of his/her support for the year, the social security number should be blacked out. However, the income information must be provided to show that this requirement has been met.

SECTION 4.0 – PROCEDURES FOR INITIAL CLASSIFICATION

Initial classification applies to the following individuals:

1. Those submitting an application for first-time enrollment at a higher education institution;
2. Those submitting an application which is considered a “new” application and results in a change in status (e.g., undergraduate to graduate); and
3. Those submitting an application for readmission after a period of non-enrollment. [Note: A student previously classified as a non-resident at that institution may be required to request reclassification as part of their re-admission process.]

4.1 Residency Statement

The Residency Statement (also known as a Residency Affidavit) should be part of any public career center, college or university admissions application, regardless of program (e.g., degree or non-degree seeking). Institutions should use the common residency form approved by the Statewide Residency Committee and the Articulation Coordinating Committee. The Residency Statement should be completed upon admission to determine residency for tuition purposes. Students who provide incomplete documentation will not be classified as a resident for tuition purposes. A secure PIN may be accepted as an electronic signature for the Residency Statement.

For students in Florida’s independent colleges and universities, the Residency Statement should be completed as a part of the financial aid process.

4.2 Non-Resident Claim

Non-resident for tuition purposes is defined as a person who does not qualify for the in-state tuition rate. If a student indicates “non-resident” on the Residency Statement, there is no requirement to “prove” such status or to submit supporting documentation. The student is automatically considered out-of-state for tuition purposes.

4.3 Resident Claim – Evaluation of Evidence Required

Many Residency Statements and associated documentation will require evaluation even though the student has claimed to be a Florida resident. The various determinations are described below.

Residency Denied: Insufficient Information or Evidence. This determination is reached in the following situations:

- Student indicates resident but does not provide information or documentation to evidence their eligibility or their residency status for the requisite 12-month qualifying period prior to the first day of classes of the term for which the residency status is sought.
- Student indicates resident but information or documentation is inconsistent with other areas of the application (e.g., has been living and/or working out of the state for a period of 12 consecutive months or more, driver’s license or transcripts indicate residency status in another state).

- Student does not meet any of the exceptions or requirements for resident or for non-U.S. citizens demonstrating lawful presence in the United States.

When residency is denied, the student should be assessed out-of-state tuition and/or contacted with information about requirement to provide additional documentation.

Residency Approved. This determination is reached in the following situations:

- Student provides information or documentation to evidence their bona fide residency in Florida (or bona fide residency of a parent or legal guardian if dependent) for the requisite 12 consecutive month qualifying period prior to the first day of classes of the term for which the residency status is sought.
- Student meets one of the statutory exceptions or qualifications for resident or for non-U.S. citizens demonstrating lawful presence in the United States and submits any required information or documentation to verify such eligibility.

4.4 Transfers from Florida Public Higher Education Institutions

Pursuant to s. 1009.21(11), once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed. However, the student must have attended the institution making the initial classification within the last 12 months and the residency classification must be noted on the transcript.

4.5 Transient Students

Residency status for Transients Students should be determined by the home or parent institution as shown on the Transient Student Form. Additional documentation is not required unless evidence which contradicts the residency status is submitted.

4.6 Non-Degree Seeking Students

Non-degree seeking students are subject to the same residency requirements and standards as degree seeking students.

4.7 Documentary Evidence

If an applicant qualifies for a residency exception or qualification, then appropriate documentation must be submitted to evidence entitlement to that exception or qualification. Such evidence is generally specific to the type of residency exception or qualification being claimed by the applicant.

If an applicant does not qualify for a residency exception or qualification, he/she will have to submit documentation that he/she (or a parent or legal guardian if a dependent) has been a Florida resident for at least 12 consecutive months prior to the first day of classes for which the student is enrolling. At least two of the following documents must be submitted, with dates that evidence the 12-month qualifying period. At least one of the documents must be from the First Tier. As some evidence is more persuasive than others, more than two may be requested. No single piece of documentation will be considered conclusive.

First Tier (at least one of the two documents submitted must be from this list)

1. A Florida voter's registration card.
2. A Florida driver's license.
3. A State of Florida identification card.
4. A Florida vehicle registration.
5. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
6. Proof of a homestead exemption in Florida.
7. Transcripts from a Florida high school for multiple years (2 or more years) if the Florida high school diploma or GED was earned within the last 12 months.
8. Proof of permanent full-time employment in Florida for at least 30 hours per week for a consecutive 12-month period.

Second Tier (may be used in conjunction with one document from First Tier)

1. A declaration of domicile in Florida.
2. A Florida professional or occupational license.
3. Florida incorporation.
4. A document evidencing family ties in Florida.
5. Proof of membership in a Florida-based charitable or professional organization.
6. 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.

Examples of documents that may not be used

Hunting/fishing licenses
Library cards
Shopping club/rental cards
Birth certificate
Passport

Other Approved Processes for Documentation

For students in state custody, the Department of Juvenile Justice (DJJ) may facilitate residency determinations by providing the college or university with documentation evidencing parental or legal guardian residence in Florida for the qualifying period. The DJJ Address Verification Form is acceptable documentation for residency determinations in conjunction with additional information that demonstrates the parent or legal guardian has maintained legal residence in this state for at least 12 consecutive months prior to the first day of classes of the term for which residency status is sought (for example see Appendix C).

Students who have tuition and fees waived or exempted according to the following sections of Florida Statutes shall be classified as Florida residents and shall not be required to submit additional residency documentation for tuition purposes for the duration of the exemption or waiver eligibility period:

- 1009.25(2)(c) and (d): Custody of Department of Children and Families, in the care of a relative or adopted from the Department of Children and Families,
- 1009.25(2)(f): Homeless,
- 961.06(1)(b): Wrongful incarceration,
- 112.191(3): Dependents or spouses of firefighters killed in the line of duty, and

- 112.19(3): Dependents or spouses of law enforcement, correctional, or correctional probation officers killed in the line of duty

After eligibility for the waiver or exemption has expired, the student must prove Florida residency for tuition purposes to continue receiving the in-state tuition benefits.

4.8 Information Resources

DHSMV Database – Access to the Division of Highway Safety and Motor Vehicle (DHSMV) Database can be requested by a public college or university, exclusively for the purpose of verifying driver's license and vehicle registration histories for students.

SECTION 5.0 – PROCEDURES FOR RECLASSIFICATION

5.1 Reclassification Application

A student who is classified as out-of-state and wants to request “reclassification” to in-state status must complete a Residency Statement at the higher education institution and submit to the appropriate office for consideration prior to the term for which reclassification is sought.

5.2 Documentary Evidence

The evidentiary requirement for reclassification goes beyond that for an initial classification, because these individuals have previously been determined to be out-of-state residents. An individual who is initially classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes only if that individual, or his or her parent if that individual is a dependent, presents clear and convincing documentation that supports permanent legal residency in this state for 12 consecutive months. A student, or his or her parent if that student is a dependent, may become eligible for reclassification by presenting a minimum of three (3) documents identified in section 4.7 of this document. One of the three documents must come from Tier 1.

The burden of providing clear and convincing documentation that justifies the institution’s classification of a student as a resident for tuition purposes rests with the student, or if the student is a dependent, his or her parent. For documentation to be “clear and convincing” it must be credible, trustworthy, and sufficient to persuade the institution that the student or, if that student is a dependent, his or her parent has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished residency in any other state for a minimum of 12 consecutive months prior to classification. Each institution of higher education may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes.

An individual who is classified as a non-resident for tuition purposes and who marries a legal resident of the state and later becomes a legal resident may become eligible for reclassification by submitting proof of his/her legal residency, evidence of his/her marriage to a legal resident, and evidence of his/her spouse’s legal residence in Florida for at least 12 consecutive months immediately preceding the application for reclassification. The individual does not have to satisfy the requisite 12-month qualifying period. [s. 1009.21(6)(d), FS]

—See Appendix A, Frequently Asked Questions, for additional information.

SECTION 6.0 – MILITARY ISSUES

6.1 Definitions

The following definitions are provided for military terms used in the residency statute and rules.

United States Armed Services – Includes active duty members of the Army, Air Force, Navy, Marines, Coast Guard, and reserves.

Florida National Guard – Includes active drilling members of the Florida National Guard.

6.2 Residency Protections and Exceptions/Qualifications for Military Personnel

Active duty military personnel and their spouses/dependents are afforded some residency protections due to their unique circumstances. The following military personnel are classified as residents for tuition purposes:

- Active duty members of the Armed Services of the United States residing or stationed in Florida (and spouse/dependent children) and active drilling members of the Florida National Guard. [s. 1009.21(10)(a), FS]
- Military personnel (and spouse/dependent children) not stationed in Florida whose home of record or state of legal residence certificate is Florida (as noted on an approved DD Form 2058, State of Legal Residence Certificate, or a Leave and Earning Statement, also called an LES or the Defense Finance and Accounting Service (DFAS) Form 702).
 - An individual shall not lose his or her resident status solely by reason of his/her service or, if the individual is a dependent child, his/her parent's service in the Armed Forces outside this state. [s. 1009.21(7), FS]
- Active duty members of the Armed Services of the United States and their spouses/dependent children attending a public community college or university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida, shall be classified as residents. [s. 1009.21(10)(b), FS]

Additionally, statute provides for civilian personnel affiliated with Department of Defense Schools, Canadian military personnel, and liaison officers from a foreign nation's military to be classified as a resident for tuition purposes.

- United States citizens living outside the United States who are teaching at a Department of Defense Dependent School or in an American International School and who enroll in a graduate level education program which leads to a Florida teaching certificate. [s. 1009.21(10)(i), FS].
- 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 public community college or university within 50 miles of the military establishment where they are stationed. [s. 1009.21(10)(j), FS].

- 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. [s. 1009.21(10)(k), FS].

6.3 Information Resources

Air Force Personnel Center – Students can download military orders or LES paperwork required for residency. Go to: www.afpc.randolph.af.mil

Department of Education Information on Military Family Assistance – Overview of services and benefits offered to military personnel and their families in Florida public schools and higher education institutions. Go to: <http://www.fldoe.org/military/>

SECTION 7.0 – IMMIGRATION & INTERNATIONAL STUDENT ISSUES

7.1 Definitions and Eligibility for Residency for Tuition Purposes

Permanent Resident – A person who has been granted permanent resident status in the U.S. and has (or is waiting for) a Permanent Resident Card (identified as either Form I-151 or Form I-551). Permanent residents are eligible to establish residency for tuition purposes in Florida.

Non-Immigrant - A foreign national seeking to enter the U.S. temporarily and for a specific purpose. Once in the U.S., they are restricted to the activity or reason for which their visa was issued. Individuals with certain non-immigrant visas are eligible to establish residency for tuition purposes in Florida.

Unauthorized Aliens- A foreign national who lives in the U.S. without the required documentation. An unauthorized alien is not eligible to establish residency for tuition purposes in Florida.

7.2 Documentary Evidence for Individuals with Non-Immigrant Visas

Individuals with non-immigrant visas must provide evidence that: (1) he or she is in an eligible visa category with a date of departure that is not during the term for which the student will be enrolled ; (2) if the student is a dependent, the parent must also be in an eligible visa category; and (3) he or she, and the parent if the student is a dependent, has lived in Florida for the required 12-month qualifying period (or parent/legal guardian if dependent). For detailed information and examples of required documentation for individuals with eligible non-immigrant visas, see Appendix B.

7.3 Linkage Institutes

Section 288.8175, Florida Statutes, created Florida Linkage Institutes that are co-administered by a university-community college partnership in conjunction with an advisory committee of public and private sector representatives. A primary purpose of these institutes is to assist in the development of stronger economic, cultural, educational, and social ties between this state and strategic foreign countries through the promotion of expanded public and private dialogue on cooperative research and technical assistance activities, increased bilateral commerce, student and faculty exchange, cultural exchange, and the enhancement of language training skills between the higher education institutions in this state and those of selected foreign countries. The Linkage Institutes established in Florida Statutes are listed in Exhibit 7-1 below.

**EXHIBIT 7-1
FLORIDA LINKAGE INSTITUTES**

Linkage Institute	College and University Partners
Florida-Brazil Institute	University of Florida Miami Dade College
Florida-Costa Rica Institute	Florida State University Valencia Community College
Florida Caribbean Institute	Florida International University

	Daytona Beach State College
Florida-Canada Institute	University of Central Florida Palm Beach State College
Florida-China Institute	University of West Florida University of South Florida Brevard Community College
Florida-Japan Institute	University of South Florida University of West Florida St. Petersburg College
Florida-France Institute	New College Miami Dade College Florida State University
Florida-Israel Institute	Florida Atlantic University Broward College
Florida-West Africa Institute	Florida A&M University University of North Florida Florida State College at Jacksonville
Florida-Eastern Europe Institute	University of Central Florida Lake-Sumter Community College
Florida-Mexico Institute	Florida International University Polk State College

Source: Section 288.8175, Florida Statutes.

Each Linkage Institute is allowed to exempt from s. 1009.21, Florida Statutes, up to 25 full-time equivalent students per year from the respective host countries to study in any of the state universities or colleges within The Florida College System as resident students for tuition purposes. The Linkage Institute Directors are responsible for developing criteria for these exemptions, and the criteria must be approved by the Department of Education. Linkage Institute participants are students who are officially enrolled or registered with the program, not those who might occasionally attend outreach activities or special events. Contact information for Linkage Institute Directors can be obtained on individual websites as listed below:

Florida-Brazil Institute

<http://www.latam.ufl.edu/research/fbi.stm>

Florida-Costa Rica Institute

<http://mailer.fsu.edu/~egerato/florica.html>

Florida-Caribbean Institute

<http://casgroup.fiu.edu/lacc/>

Florida-Canada Institute

<http://international.ucf.edu/fcli/>

Florida-China Institute

<http://uwf.edu/fcli/>

Florida-Japan Institute

<http://uwf.edu/intered/fjli/>

Florida-France Institute

http://global.usf.edu/florida_france/index.htm

Florida-Israel Institute
<http://www.Floridaisrael.org>

Florida-West Africa Institute
<http://www.unf.edu/dept/flawi/>

Florida-Eastern European Institute
<http://international.ucf.edu/eeli/tuition.php>

Florida-Mexico Institute
<http://casgroup.fiu.edu/lacc/pages.php?id=1013>

7.4 *Latin American or Caribbean Students*

Students who are from Latin American or Caribbean countries and meet both of the following criteria for each term of enrollment are considered residents for tuition purposes per Section 1009.21(10)(e):

1. Receiving a scholarship from the State of Florida or the U.S. government; and
2. Attending on a full-time basis.

If a student does not meet both of these criteria at any time during his or her enrollment, the student is no longer eligible for in-state tuition.

7.5 Unauthorized Aliens

Unauthorized aliens may or may not be eligible for admission to a public career center, Florida college or university in Florida depending on admissions policies established by local boards of trustees. However, unauthorized aliens are not eligible to establish residency for tuition purposes.

SECTION 8.0 – APPEALS PROCESS FOR RESIDENCY DETERMINATIONS

8.1 Institutional Appeals Process

In cases where the applicant expresses a desire to appeal the residency classification, the matter will be referred to the designated residency appeal committee at the institution of higher education, in accordance with the institution's official appeals process.

The residency appeal committee shall be comprised of at least three members to consider student appeals in accordance with the institution's official appeal policy. The committee will render to the applicant the final residency determination in writing. The college and/or state university will advise the applicant of the reasons for the determination.

8.2 Role of Department of Education & Board of Governors Staff

Department of Education staff members and Board of Governors staff members are not appeals officers for residency determinations. They serve as resource persons with regard to residency issues for institutional staff, the Statewide Residency Committee, the Legislature, and the general public.

SECTION 9.0 – STATEWIDE RESIDENCY COMMITTEE

9.1 Purpose and Structure of the Committee

The Statewide Residency Committee is a subcommittee of the Articulation Coordinating Committee (ACC). The purpose of the Statewide Residency Committee is to: (1) review statutes and rules relating to residency for tuition purposes and make recommendations to the full ACC for revisions; (2) draft and revise statewide residency guidelines that provide further clarification of statute and rule; and (3) provide technical assistance to the ACC, the Commissioner of Education, the State Board of Education, the Board of Governors, and the Legislature regarding state policies relating to residency for tuition purposes.

The Statewide Residency Committee is composed of eight state university representatives, eight Florida college representatives, two independent college or university (ICUF) representatives, and one public career center representative in the following positions:

State Universities

- Six admissions or registration representatives;
- One vice president for student affairs or enrollment management or other relevant area; and
- One financial aid director.

Florida Colleges

- Six admissions or registration representatives;
- One vice president for student affairs or enrollment management or other relevant area; and
- One financial aid director.

ICUF Colleges and Universities

- One vice president for student affairs or enrollment management or other relevant area; and
- One financial aid director.

Public Career Centers

- One administrator from a public career center.

Each representative will be appointed by the Chair of the ACC and serve for a term of three years. The terms of the representatives will be staggered; however, a representative may serve consecutive terms if re-appointed.

- The State University Admissions and Registrars (A&R) organization will make recommendations to the ACC Chair regarding their potential members to represent state universities.
- The Vice Chancellor of Academic and Student Affairs for the State University System, Board of Governors, will make recommendations to the ACC Chair regarding potential vice presidents and financial aid directors to represent state universities.

- The Florida College Registrars and Admissions Officers (FCRAO) will make recommendations to the ACC Chair regarding potential members to represent community colleges.
- The Executive Vice Chancellor for the Division of Florida Colleges will make recommendations to the ACC Chair regarding potential vice presidents and financial aid directors to represent Florida colleges.
- The Independent Colleges and Universities of Florida (ICUF) will make recommendations to the ACC Chair regarding potential members to represent independent colleges and universities.
- The Chancellor for the Division of Career and Adult Education will make recommendations to the ACC Chair regarding potential members to represent public career centers.

The Statewide Residency Committee shall elect Co-chairs. One Co-chair will represent state universities and the other will represent Florida colleges. An individual may serve as Co-chair for consecutive terms if re-elected.

As a sub-committee of the Articulation Coordinating Committee (ACC), the Statewide Residency Committee shall meet at least once per year. Additional meetings may be called by the Co-chairs of the Committee or the ACC if necessary. Minutes for each meeting will be recorded and submitted to the ACC for the record. Staffing for the committee will consist of one person from the State University System of Florida, Board of Governors and one person from the Division of Florida Colleges. An attorney shall serve as an ex-officio member to provide legal guidance as needed.

APPENDICES

APPENDIX A – FREQUENTLY ASKED QUESTIONS

Are prison inmates eligible for residency?

Prison inmates are not precluded from establishing residency for tuition purposes in Florida. However, they may not establish residency for tuition purposes by virtue of their incarceration in Florida.

Are Dual Enrollment students required to show residency?

Dual enrollment students in The Florida College System are not required to provide residency documentation. Refer to the following Web site - <http://www.fldoe.org/articulation/pdf/Memo-DualEnrollment.pdf> - for a guidance memorandum from the Department of Education's Division of Florida Colleges.

Is it possible for a dependent student to be classified as a Florida resident for tuition purposes if their parent/legal guardian does not live in Florida?

Yes, in certain circumstances. Section 1009.21(4), Florida Statutes, provides an avenue for students to submit documentation indicating that they have lived in Florida for five or more years. In most cases, residency determinations for dependent students are based on the legal residence of the parent or legal guardian; however, section 1009.21(4), Florida Statutes, allows dependent students to establish Florida residency using their own documentation, if that documentation proves they have lived in Florida for five or more years.

What does first day of class mean?

First day of class refers to the first day classes are offered within a term in which the student is enrolled at that institution. Term shall be defined by the institution.

What does clear and convincing documentation mean?

For documentation to be clear and convincing, it must be credible, trustworthy, and sufficient to persuade the institution that the student or, if that student is a dependent, his or her parent has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished residency in any other state for at least twelve (12) months prior to classification.

What does multiple years mean?

Multiple years refers to at least 2 years. Students who attended a Florida high school for a minimum of 2 academic years immediately preceding admission may use the high school transcript as one of the required documents. For dependent students, additional documentation from s. 1009.21(3)(c)(1) or (2) must be submitted by the parent or guardian.

When can an out-of-state high school transfer be eligible for reclassification?

If a student graduates from a Florida high school, then the student may be reclassified when the parent is able to provide documentation from s. 1009.21(3)(c)(1) & (2) evidencing 12 months in Florida.

When can a dependent student be eligible for reclassification?

If a dependent student's parent moves to Florida and maintains residence for 12 months, the student may be reclassified subsequent to verification of 2 or more documents identified in s. 1009.21(3)(c)(1) and (2), F.S.

If a student marries a Florida resident, are they eligible for reclassification?

Yes. A student classified as a non-resident may become eligible for reclassification if they establish legal residence and marry a Florida resident who has maintained residency for at least 12 consecutive months. The student must present evidence of his/her own legal residency in Florida, evidence of his/her marriage to a person who is a legal resident of Florida, and evidence of the spouse's legal residence in Florida for a least 12 consecutive months immediately preceding the application for reclassification.

What is the definition of a legal resident?

1009.21(1) (c) A "legal resident" or "resident" is a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

What is the definition of "Instructional and Administrative Personnel" as used in the residency statute?

The residency statute relies on the definition of "Instructional and Administrative Personnel" provided on Section 1012.01, Florida Statutes. Therefore, "Instructional personnel" means any K-12 staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes K-12 personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are the following K-12 personnel:

- (a) Classroom teachers.--Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career education, and adult education, including substitute teachers.
- (b) Student personnel services.--Student personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers, career specialists, and school psychologists.
- (c) Librarians/media specialists.--Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

(d) Other instructional staff.--Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 1012.57, and similar positions.

(e) Education paraprofessionals.--Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

"Administrative personnel" includes personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of personnel at all levels within the district. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of systemwide or schoolwide functions, such as district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, career center directors, and others who perform management activities. Broad classifications of administrative personnel are as follows:

(a) District-based instructional administrators.--Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the instructional program. Such personnel often report directly to the district school superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major instructional areas, such as curriculum, federal programs such as Title I, specialized instructional program areas such as exceptional student education, career education, and similar areas.

(b) District-based noninstructional administrators.--Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the noninstructional program. Such personnel often report directly to the district school superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance.

(c) School administrators.--Included in this classification are:

1. School principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes career center directors.

2. Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

**APPENDIX B – SAMPLE DOCUMENTATION FROM
DEPARTMENT OF JUVENILE JUSTICE**



**STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE**

**Address Verification Form
For Parents or Legal Guardians ONLY**
(Please Print Legibly)

Date: _____ Time: _____
Month Day Year

Youth (s) Name

Last	First	Middle Initial
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

Please provide your current name, address and telephone information as indicated below:

Last	First	Middle Initial
_____	_____	_____

Street No.	Street Name	Apt. No.	Country of Residence
_____	_____	_____	_____

City	State
_____	_____

***** Is this a new address? Yes No *****

Home Number	Work Number	Cellular Phone Number
<i>Area Code & Number</i>	<i>Area Code & Number</i>	<i>Area Code & Number</i>
_____	_____	_____
<i>Is this a new number?</i>	<i>Is this a new number?</i>	<i>Is this a new number?</i>
Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

What is your Drivers License Number? _____

What is your current E-Mail Address? _____

Parent or Legal Guardian Signature _____ Date _____

Official Use Only	
<i>(To be Completed by DJJ Staff or Contract Provider Staff)</i>	
DJJ ID Number:	Date Entry Date:
Date Entry Completed by: <small>(Printed Name)</small>	_____

Save As

Reset/Clear Form

APPENDIX C – DOCUMENTATION FOR ELIGIBLE ALIENS

Appendix C provides clarification on and samples of the documentation that is required for eligible aliens to show residency for tuition purposes.

Note: This section of the Guidelines was updated as of May 1, 2008. Some of the sample documents may have changed in appearance or data elements over time.

EXHIBIT C-1 OVERVIEW OF DOCUMENTATION FOR ELIGIBLE ALIENS

STATUS	DOCUMENTS	SAMPLE
Citizen	U.S. Birth Certificate	C-46
	U.S. Passport (Expired or Unexpired)	C-8
	Certificate of Naturalization	C-7
Permanent Resident	Permanent Resident Card (Form I-551)	C-9 - C-10
	Passport stamped "Processed for I-551. Temporary Evidence of Lawful Permanent Residence. Valid until [DATE]"	C-10
	Arrival/Departure Record (Form I-94) stamped "Temporary Form I-551. Admission for permanent residence at [PORT] on [DATE] verified"	C-33 – C-34
	USCIS Notice of Action (Form I-797) stating application for permanent resident status has been approved	C-12
	Order of the Immigration Judge stating application for adjustment of status has been granted	C-14 – C-16 various
Parolee	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(11) ➤ Code on Form I-766 – C11 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped "Paroled pursuant to [PROVISION OF LAW] to [DATE] (may add "pending hearing," "public interest," "humanitarian")"	C-17
Asylee	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(5) ➤ Code on Form I-766 – A05 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped "Asylum Status Granted"	C-18
	USCIS Asylum Office Letter stating that the request for asylum has been granted	C-28 – C-29
	Order of an Immigration Judge stating application for asylum has been granted	C-19
Refugee	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(3) ➤ Code on Form I-766 – A03 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped "Admitted as a Refugee pursuant to Section 207 of the Act"	C-10
	Passport stamped "Admitted as a Refugee pursuant to Section 207 of the Act"	C-20
Conditional Permanent Resident	SAME AS DOCUMENTS FOR PERMANENT RESIDENT	
Temporary Resident	Temporary Resident Card (Form I-688)	C-21

STATUS	DOCUMENTS	SAMPLE
Visa Category A	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(1) ➤ Code on Form I-766 – C01 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped “Admitted A-1 until [DATE]” (or A-2, A-3)	C33 – C34
Visa Category E	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(2) ➤ Code on Form I-766 – C02 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped “Admitted E-1 until [DATE]” (or E-2)	C-33 – C-34
	Passport stamped same as I-94 card	C-25 – C-27
	USCIS Notice of Action (Form I-797A) stating it is an “Approval Notice” for “Class E-1” (or E-2), “Valid from [DATES]”; bottom of letter will have new I-94 (Arrival/Departure) card/can be torn off	C-23 – C-24
Visa Category G	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(4) ➤ Code on Form I-766 – C04 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped “Admitted G-1 until [DATE]” (or G-2, G-3, G-4, G-5)	C-33 – C-34
	Passport stamped same as I-94 card	C-10
Visa Category H-1	Arrival/Departure Record (Form I-94) stamped “Admitted H-1B until [DATE]”	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an “Approval Notice” for “Class H-1B”, “Valid from [DATES]”; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category I	Arrival/Departure Record (Form I-94) stamped “Admitted I until [DATE]”	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an “Approval Notice” for “Class I”, “Valid from [DATES]”; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category K	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(6) ➤ Code on Form I-766 – A06 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped “Admitted K-1 until [DATE]” (or K-2, K-3, or K-4)	C-33 – C-34
	Passport stamped same as I-94 card	C-10
Visa Category L	Arrival/Departure Record (Form I-94) stamped “Admitted L-1 until [DATE]” (or L-2)	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an “Approval Notice” for “Class L-1” (or L-2), “Valid from [DATES]”; bottom of letter will have new I-94 (Arrival/Departure) card/can be torn off	C-23 – C-24

STATUS	DOCUMENTS	SAMPLE
Visa Category N	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(7) ➤ Code on Form I-766 – A07 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped "Admitted N-8 until [DATE]" (or N-9)	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class N-8" (or N-9), "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category O	Arrival/Departure Record (Form I-94) stamped "Admitted O-1 until [DATE]"	C33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class O-1" (or O-3), "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category R	Arrival/Departure Record (Form I-94) stamped "Admitted R-1 until [DATE]" (or R-2)	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class R-1" (or R-2), "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category S	Arrival/Departure Record (Form I-94) stamped "Admitted S-1 until [DATE]" (or S-2)	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class S-1" (or S-2), "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category T	Arrival/Departure Record (Form I-94) stamped "Admitted T until [DATE]"	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class T", "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category U	Arrival/Departure Record (Form I-94) stamped "Admitted U until [DATE]"	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class U", "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category V	Arrival/Departure Record (Form I-94) stamped "Admitted V until [DATE]"	C-33 – C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class V", "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Visa Category NATO-1, 2, 3, 4, 5, 6, 7	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(7) ➤ Code on Form I-766 – C07 	C-40 – C-42
	Arrival/Departure Record (Form I-94) stamped "Admitted NATO-1	C-33 –

STATUS	DOCUMENTS	SAMPLE
	until [DATE]" (or NATO-2, 3, 4, 5, 6, 7)	C-34
	Passport stamped same as I-94 card	C-10
	USCIS Notice of Action (Form I-797A) stating it is an "Approval Notice" for "Class NATO-1" (or NATO-2, 3, 4, 5, 6, 7), "Valid from [DATES]"; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off	C-23 – C-24
Citizens of Micronesia	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(8) ➤ Code on Form I-766 – A08 	C-40 – C-42
Citizens of the Marshall Islands	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(8) ➤ Code on Form I-766 – A08 	C-40 – C-42
Family Unity Beneficiaries	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(13) ➤ Code on Form I-766 – A13 	C-40 – C-42
Temporary Protected Status	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(12) ➤ Code on Form I-766 – A12 or C19 	C-40 – C-42
Withholding of Deportation	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(10) ➤ Code on Form I-766 – A-10 	C-40 – C-42
	USCIS Asylum Office Letter stating that the application for withholding of deportation (also referred to as withholding of removal) has been granted	C-28 – C-29 (similar)
	Order of an Immigration Judge stating application for withholding of deportation (or removal) has been granted	C-22
Granted Suspension of Deportation or Cancellation of Removal	Order of an Immigration Judge stating application for suspension of deportation or cancellation of removal has been granted	C-30
	USCIS Asylum Office Letter stating that the application for suspension of deportation/special rule cancellation of removal has been granted	C-31
	Arrival/Departure Record (Form I-94) stamped "Suspension of deportation/special rule cancellation of removal granted"	C-33 – C-34
Granted a Stay of Deportation or Stay of Removal	Arrival/Departure Record (Form I-94) stamped "106" or "Stay of deportation granted" or "Stay of Removal"	C-33 – C-34
	ICE Deportation Office Letter	No sample
Granted Deferred Action Status	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(14) ➤ Code on Form I-766 – C14 	C-40 – C-42
	USCIS Notice of Action (Form I-797A) for self-petitioning spouse of abusive citizen or permanent resident stating "the Service has decided to place this case under deferred action"	C-23 – C-24
Granted Deferred Enforced Departure Status	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(11) ➤ Code on Form I-766 – A11 	C-40 – C-42
	USCIS Extension Notice for DED aliens	C-36
Applicants for Adjustment of Status	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(9) ➤ Code on Form I-766 – C09 	C-40 – C-42
	USCIS Notice of Action (Form I-797) stating that an I-485 Application to Adjust to Permanent Resident Status has been received	C-37
	Application to Register Permanent Residence or Adjust Status (Form I-485) bearing a stamp showing it has been filed in	C-38 – C-39

STATUS	DOCUMENTS	SAMPLE
	Immigration Court (a.k.a. Executive Office for Immigration Review/Office of the Immigration Judge) – Note: only the first page of the application will bear the stamp	
Applications for Asylum	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(8) ➤ Code on Form I-766 – C08 	C-40 – C-42
	USCIS Asylum Office “Acknowledgement of Receipt” Form stating Form I-589 has been received and is pending	C-43
	Application for Asylum and Withholding of Removal (Form I-589) bearing a stamp showing it has been filed in Immigration Court (a.k.a. Executive Office for Immigration Review/Office of the Immigration Judge) – Note: only the first page of the application will bear the stamp	C-44
Cuban-Haitian Entrant Category One (See definition below)	I-94 arrival/departure card with a stamp showing parole at any time as a “Cuban/Haitian Entrant (Status Pending).” I-94 may refer to section 212(d)(5). I-94 may be expired.	C-33 – C-34
	CH6 adjustment code on the I-551	C-9 – C-10
	I-94 arrival/departure card with a stamp showing parole into the U.S. on or after April 21, 1980. I-94 may refer to section 212(d)(5). I-94 may be expired.	C-33 – C-34
	A Cuban or Haitian passport with a stamp dated after October 10, 1980. Passport may be expired.	No sample
Cuban-Haitian Entrant Category Two (See definition below)	I-94 arrival/departure card showing parole into the United States. I-94 may refer to section 212(d)(5), humanitarian, or public interest parole.	C-33 – C-34
	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(a)(4) or 274a.12(c)(11)) and documentation confirming that individual is a Cuban or Haitian national ➤ Code on Form I-766 – A04 or C11 	C-40 – C-42
Cuban-Haitian Entrant Category Three (See definition below)	I-221 Order to Show Cause and Notice of Hearing	No sample
	I-862 Notice to Appear	No sample
	I-220A Order of Release on Recognizance	No sample
	I-122 Notice to Applicant Detained for a Hearing Before an Immigration Judge	No sample
	I-221S Order to Show Cause, Notice of Hearing and Warrant for Arrest	No sample
	I-589 date stamped by the Executive Office for Immigration Review (Application for Asylum and Withhold of Removal; Individual is subject to removal, deportation, or exclusion proceedings)	No sample
	I-485 date stamped by by the Executive Office for Immigration Review (Application to Register Permanent Residence or to Adjust Status; Individual is subject to removal, deportation, or exclusion proceedings)	No sample
	EOIR-26 (Notice of Appeal, date stamped by the Office of the Immigration Judge)	No sample
	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(10) and documentation confirming that individual is a Cuban or Haitian national ➤ Code on Form I-766 – C10 	C-40 – C-42
	Other applications for relief that have been stamped by the	No sample

STATUS	DOCUMENTS	SAMPLE
	Executive Office for Immigration Review	
	Other documentation pertaining to an applicant's removal, exclusion, or deportation proceedings such as a notice of a hearing date before an immigration judge	No sample
Cuban-Haitian Entrant Category Four (See definition below)	I-589 receipt for filing an Application for Asylum and Withholding of Removal	No sample
	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> ➤ Code on Form I-688B – 274a.12(c)(8) and documentation confirming that individual is a Cuban or Haitian national ➤ Code on Form I-766 – C08 	C-40 – C-42
Florida Documentation	Birth Certificate	C-45 – C-47 various
	Florida Certificate of Marriage	C-49
	DD Form 2058 State of Legal Residence Certificate	C-50
	Florida Drivers License	C-48
	Military Identification	C-51 – C-52 various

Definitions:

Cuban-Haitian Entrant Category One – Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, **regardless of the status of the individual at the time assistance or service are provided.**

Cuban-Haitian Entrant Category Two – A national of Cuba or Haiti who was paroled into the United States and has not acquired any special status under the immigration laws and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation, or exclusion has not been entered.

Cuban-Haitian Entrant Category Three – A national of Cuba or Haiti who is subject to removal, deportation, or exclusion proceedings under the immigration laws and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation, or exclusion has not been entered.

Cuban-Haitian Entrant Category Four – A national of Cuba or Haiti who has an asylum application pending with the United States Citizen and Immigration Services and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation, or exclusion has not been entered.

APPENDIX D – SAMPLE DOCUMENTATION FOR WRONGFUL INCARCERATION



RYL MCCOY FM
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STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL
Criminal Appellate Division

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July 17, 2009

RE: Mr. [REDACTED]'s Wrongful Incarceration Compensation Claim Pursuant to Chapter
96, Fla. Stat. (2008)

Dear Mr. [REDACTED]:

The Office of the Florida Attorney General has transmitted, this date, the attached documents including the Report with attachments to Chief Financial Officer Alex Sink regarding Mr. [REDACTED]'s claim for Wrongful Incarceration Compensation, Chapter 96, Fla. Stat. (2008).

Pursuant to §961.08(7), Fla. Stat. (2008), this Department has determined that Mr. [REDACTED] is eligible for compensation, and monetary and non-monetary compensation, listed in §961.08(1)(a-e), Fla. Stat. (2008), has been set out in the Report.

Should you have any questions, please feel free to call my office at 850 414 3300.

Sincerely,

A handwritten signature in black ink, appearing to read "Cardlyn M. Snurkowski".

Cardlyn M. Snurkowski
Assistant Deputy Attorney General
Office of the Attorney General
State of Florida