



Rule Workshop

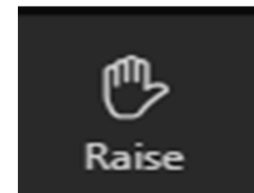
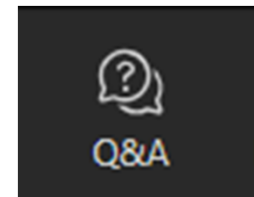
6A-10.044 Residency for Tuition Purposes

Florida Department of Education
Division of Florida Colleges
Friday, October 10, 2025



Webinar Logistics

- This webinar is being recorded.
- Participants will be on mute the duration of the webinar.
- To submit questions during the webinar, please use the “Q&A” function.
- If you would like to be unmuted during the public comment period, please use the “Raise” Hand function.



Agenda

- Rule Background and Overview
- Proposed Rule Amendment
- Impact on Florida College System Institutions
- Timeline and Next Steps
- Q & A
- Public Comment



Rule 6A-10.044, F.A.C. Residency for Tuition Purposes

Background and Overview

Rule Background and Overview

- Rule 6A-10.044, F.A.C., currently establishes policies for the classification of students as residents for tuition purposes in accordance with criteria set forth in Section (s.) 1009.21, Florida Statutes (F.S.).
- The Rule has been in place since 1992 and was amended in 2000, 2005, 2010, 2013 and 2015.
- The rule currently:
 - Has an incorporated form, Form FRD-1, Florida Residency Declaration for Tuition Purposes, that Florida College System (FCS) institutions must use for the initial determination of residency;
 - References the statutory definition of a dependent child;
 - Provides provisions regarding declaration of domicile;
 - Has limited provisions regarding residency reclassification;
 - Outlines the institution's responsibilities;
 - Contains a list of visa categories that intended to allow for non-US citizens to qualify for residency for tuition purposes; and
 - Outlines the residency appeal process.

Recent Legislation: HB 1285 (2024)

- Amended s. 1009.21, F.S., providing that proof of homestead exemption in Florida is deemed a single, conclusive piece of evidence proving Florida residency for tuition purposes.
- As of July 1, 2024, colleges must accept the homestead exemption for residency purposes, per the amendment to s. 1009.21, F.S.
- Rule 6A-10.044, F.A.C., Residency for Tuition Purposes, will not be amended to reflect this statutory amendment.

Statewide Residency Committee Update

- The Office of K-20 Articulation's Articulation Coordinating Committee (ACC) voted at its June 7, 2024, meeting to dissolve the ACC Statewide Residency Committee, which was the ACC sub-committee that produced, housed and maintained the *Guidelines on Residency for Tuition Purposes* document.
 - The *Guidelines on Residency for Tuition Purposes* document, which included provisions from s. 1009.21, F.S., Rule 6A-10.044, F.A.C., and other non-binding information, is no longer housed or maintained by the ACC or by the Florida Department of Education.



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Proposed Rule Amendment

Proposed Rule Amendment

- There is an overall restructuring of the rule for consistency and clarity.
- Par. (1): Revises the purpose statement to specify to whom the policy applies.
- Par. (2): Creates a definition section to define “*Dependent student*”, “*Independent student*”, “*Resident for tuition purposes*” and “*Non-resident for tuition purposes*”.
- Par. (3): Strikes Form FRD-1, Florida Residency Declaration for Tuition Purposes, but maintains the requirement for students to submit a residency declaration, as prescribed by the institution, consistent with s. 1009.21, F.S., and Rule 6A-10.044, F.A.C.
 - Requires FCS institutions to adopt local policies and procedures governing residency for tuition purposes consistent with s. 1009.21, F.S.
 - Adds a provision to include the institution’s residency appeal process in the institution’s catalog.
 - Includes subparagraphs (a) – (f) that outline student and institutional requirements.

Proposed Rule Amendment (continued)

- Par. (4): Reorders paragraph from original rule (declaration of domicile).
- Par. (5): Revises language regarding the reclassification of residency status to align with statute (two documents instead of three) and to promote clarity and consistency across FCS and SUS institutions.
 - Adds new language to require institutions to include their residency reclassification policies in their college catalogs and on their websites.
 - Includes subparagraphs (a) – (c) that outline student and institutional provisions.
- Strikes the section with the non-United States citizen eligibility criteria.
 - Retains requirement for legal status in the U.S. (now in purpose statement).
 - Strikes the following provision from rule, but it is still required in statute:
 - *“Pursuant to Section (s.) 1009.21(2)(d), Florida Statutes (F.S.), a dependent student who is a U.S citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of the parent”.*

Proposed Rule Amendment (continued)

- Strikes the following provision from rule, but it is still required in statute:
 - *“A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding his or her initial enrollment in an institution of higher education and graduated from a Florida high school or earned a State of Florida High School Diploma as authorized under Rule 6A-6.0201, F.A.C., within the last twelve (12) months may use their high school transcript or the official transcript for the State of Florida High School Diploma as evidence of Florida residency. At least one (1) additional document identified in Section 1009.21(3)(c)1. or 1009.21(3)(c)2., F.S., must be presented evidencing parental legal residence”.*

Impact on Florida College System Institutions

- Creates a streamlined process for colleges to define independent students.
- Removes the requirement for colleges to use the incorporated FRD-1 form and provides colleges the flexibility to create their own processes and procedures for determining initial eligibility.
- Requires colleges to establish policies and procedures for purposes of determining residency for in-state tuition for students who are non-U.S. citizens but who are lawfully present in the U.S.
- Requires colleges to develop and adopt new local policies and procedures or to modify current local policies and procedures.
- Requires colleges to revise admissions and advising practices and to update catalogs.

Draft Rule Language: 6A-10.044, F.A.C.

6A-10.044 Determination of Residency Status for Tuition Purposes.

(1) The purpose of this rule is to establish consistent policies to determine the residency status for tuition purposes of students who are citizens of the United States or lawfully present in the United States. The determination of residency is to be made in accordance with criteria set forth in Federal law and Section (s.) 1009.21, Florida Statutes (F.S.), after the student has been admitted to a Florida College System institution.

(2) Definitions:

a. “Dependent student” has the same meaning as “dependent child” as defined in s. 1009.21, F.S.

b. “Independent student” for the purposes of residency determination shall be defined as a student meeting one of the following criteria:

1. The student is 24 years old or older by the first day of classes of the term for which residency status is sought at the institution.

2. The student is married.

3. The student has dependents that live with him or her, and the student provides more than half of the income to support those dependents.

4. The student is a graduate student or professional student.

5. The student is actively serving in the United States Armed Forces, the National Guard, or is a veteran.

6. The student is not eligible to be claimed as a dependent by his or her parent or legal guardian for federal income tax purposes according to the rules and regulations established by the United States Internal Revenue Service.

7. The student can demonstrate that he or she pays more than half of his or her tuition and required fees pursuant to s. 1009.24, F.S.

8. Both parents of the student are deceased.

c. “Resident for tuition purposes” means an admitted or currently enrolled student who meets the residency requirements in s. 1009.21, F.S., and the provisions of this rule, and is therefore eligible to pay the resident tuition and fee rate as described in s. 1009.23, F.S.

d. “Non-resident for tuition purposes” means an admitted or currently enrolled student who does not meet the residency requirements in s. 1009.21, F.S., and the provisions of this rule, and must therefore be charged the non-resident tuition and fee rate as described in s. 1009.23, F.S.

Draft Rule Language: 6A-10.044, F.A.C., (cont.)

(3) Initial Determination of Residency. Each Florida College System institution shall develop policies and procedures for determining each admitted student’s Florida residency status for tuition purposes. Policies and procedures shall be consistent with the criteria set forth in s. 1009.21, F.S. Each institution’s residency appeal process established pursuant to s. 1009.21(12), F.S., shall be in writing in the institution’s catalog and prominently displayed on the institution’s website. Such policies and procedures shall, at a minimum, require:

(a) each admitted student seeking to declare residency for tuition purposes to submit a residency declaration, as prescribed by the institution, and submit the documentation required by the institution to establish Florida residency for tuition purposes.

(b) each Florida College System institution to establish submission deadlines for all documentation used to determine residency for tuition purposes.

(c) each Florida College System institution to provide written notice to admitted students that the burden of providing clear and convincing documentation to justify the institution’s classification of a student’s residency status for tuition purposes rests with the student or, if the student is a dependent, with the student’s parent or legal guardian. For documentation to be “clear and convincing,” it must be credible, precise, and compelling enough to persuade the institution that the student or, if that student is a dependent, the student’s legal guardian has established legal residency in Florida.

(d) each Florida College System institution to provide written notice requesting additional documentation to affirmatively determine residency for tuition purposes, including documentation required to review an admitted student’s citizenship status for the purposes of determining residency in accordance with s. 1009.21 (2)(d), F.S.

(e) each Florida College System institution to ensure that the student, parent or legal guardian has resided in Florida for at least twelve (12) consecutive months immediately preceding the term in which the student is seeking residency classification, and that their purpose for residence in the State shall not be solely for the purpose of pursuing an education, except as otherwise provided in s. 1009.21, F.S.

(f) each Florida College System institution to provide written notice disclosing the penalties for intentional fraud or misrepresentation of the student’s residency status, or if that student is a dependent, the student’s parent or legal guardian’s residency status.

Draft Rule Language: 6A-10.044, F.A.C., (cont.)

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

(5) Residency Reclassification Determination. A currently enrolled student who is classified as a non-resident for tuition purposes must be allowed to apply for reclassification as a resident for tuition purposes if the student, or their parent or legal guardian in the case of a dependent student, is able to meet the residency requirements set forth in s. 1009.21, F.S., to be considered a resident of Florida for tuition purposes. Each institution's residency reclassification process established pursuant to s. 1009.21(6), F.S., shall be in writing in the institution's catalog and prominently displayed on the institution's website.

(a) Reclassified students are not entitled to reimbursement of any non-resident tuition or fees properly assessed prior to reclassification.

(b) Reclassified students shall be assessed the resident tuition and fee rate at the start of the next academic term after the reclassification occurs based on the deadlines established by the institution.

(c) Nothing in this rule precludes an institution from requesting additional documentation as defined in s. 1009.21(3), F.S., to support a student's request for reclassification of residency status.

Rulemaking Authority 1009.21(13) FS. Law Implemented 1009.21 FS. History—New 10-6-92, Amended 10-17-00, 3-22-05, 6-22-10, 10-22-13, 12-2-15.

Timeline for Implementation and Next Steps

- We anticipate the State Board of Education will consider the proposed rule amendment for adoption at its November 13, 2025, meeting.
- Once the rule is effective, the Florida Department of Education will provide additional technical assistance and guidance.
- Each college should review the statutory and rule requirements and update their existing policies and procedures to comply with the provisions. This may include updating institutional catalogs and websites, informing academic and admissions advisors and modifying reporting mechanisms.



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Q & A

Question & Answer

- We are now at the Q & A portion of the workshop.
- To submit questions, please use the “Q&A” function.
- We will start answering questions already in the questions pane.
- If you would like to be unmuted during the Q&A to pose a question, please use the “Raise” hand function.
- There may be a period of silence while the questions are being reviewed.



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Public Comment

Public Comment

- We are now at the public comment period of the workshop.
- If you would like to be unmuted during the public comment period to make remarks, use the “Raise” hand function.
- Staff will indicate when you are unmuted. Once unmuted, remarks will be limited to three minutes per participant. Staff will notify participants when they have 30 seconds remaining.

Presenter Contact Information

Dr. Mike Sfiropoulos
Associate Vice Chancellor
Academic and Student Affairs
Mike.Sfiropoulos@fldoe.org



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Thank You