

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

---

T. WILLARD FAIR, *Chairman*

### Members

DR. AKSHAY DESAI

MARK KAPLAN

ROBERTO MARTÍNEZ

JOHN R. PADGET

KATHLEEN SHANAHAN

SUSAN STORY

Dr. Eric J. Smith  
Commissioner of Education


Loretta Costin, Chancellor  
Division of Career and Adult Education



August 31, 2010

## MEMORANDUM

**TO:** District Technical Center Directors  
District Adult Education Directors

**FROM:** Loretta Costin 

**SUBJECT:** Residency for Tuition Purposes

---

The 2010 Legislature amended the language in Section 1009.21, Florida Statutes, to include district-operated career centers and charter technical career centers. Chapter 2010-155, Laws of Florida, amends this statute as follows:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in community colleges, and in state universities.

(c) “Institution of higher education” means any charter technical career center as defined in s. 1002.34, career center operated by a school district as defined in s. 1001.44, community college as defined in s. 1000.21(3), or state university as defined in s. 1000.21(6).

The impact of this statutory change is that residency for tuition purposes must now be made using the provisions outlined in this section of law.

To assist you with additional information on implementation of this law, my staff has provided the following responses to common questions that have been asked.

**Q: What technical assistance is available to assist my staff in implementing this law?**  
**A:** The Articulation Coordinating Committee adopts a residency guidelines document as technical assistance for the implementation of this law. The document is posted on the FACTS.ORG website. To access this document, please go to the following website: <http://www.facts.org>. On the top header is a section called “Counselors & Educators.” Go to

this section and there is a list of resources under the “Advising Manuals” sub-section. Go to the “Residency Guidelines” link to access these materials.

In addition, the Division has posted a link to this site on the Technical Assistance section of its web site. You may access this at the following web link under the header marked “Other Topics of Interest”: <http://www.fldoe.org/workforce/technicalassistancepapers.asp>

**Q: Are there resources available to assist me in documenting Florida residency for students?**

**A:** Your district can request access to the Driver and Vehicle Exchange (DAVE) program of the Department of Highway Safety/Motor Vehicles. This system allows approved users to view driver and vehicle information. In the driver record section, it will reflect an original issue date in conjunction with any renewal date to determine how long a person has been in Florida. Vehicle information provides an original registration date as well. This is a web-based program accessed by a user ID and password. The Department of Highway Safety/Motor Vehicles requires a Memorandum of Understanding (MOU) with each respective education center in regards to usage and protection of the data that is accessed. The data exchange agreement (MOU) will need to be in place prior to setting up access to the program. There will also need to be a person designated as the Point of Contact in each respective center who would grant access to their employees. Requests for this access can be directed to Larry Bilbo at [LarryBilbo@flhsmv.gov](mailto:LarryBilbo@flhsmv.gov) or Warren Whittaker at [WarrenWhittaker@flhsmv.gov](mailto:WarrenWhittaker@flhsmv.gov).

**Q: Does the law change on residency for district career centers apply to students who were already enrolled prior to the July 1, 2010 and continuing enrollment after July 1?**

**A:** No. The law is to be applied prospectively and residency requirements must be determined based on the requirements in section 1009.21, Florida Statutes, for students whose *initial enrollment* occurs on or after July 1, 2010.

**Q: Does residency status have to be determined for students who are fee exempt, including adult general education students who qualify for a tuition exemption in section 1009.22, Florida Statutes?**

**A:** While we understand that, from a practical perspective, a residency determination for adult general education students who are fee exempt does not have a fiscal impact and may be a burdensome process, we regret that a definitive answer to this question is not possible at this time. The requirements in law for determining residency for tuition status for fee exempt students are not clear. The Department will be working to clarify this issue with statutory changes in the 2011 legislative session. Our best advice is to consult with your district legal office and finance office about developing local procedures for handling this issue until clarification is made in the statutes.

If you have any additional questions, please contact John McNeely at [john.mcneely@fldoe.org](mailto:john.mcneely@fldoe.org).

Thank you.

LC/tgg