

## Rule 6A-10.044, Florida Administrative Code, Residency for Tuition Purposes

### Implementation Questions and Answers

**Note:** For questions regarding how to define and operationalize, “students who are... lawfully present in the United States” and questions related to federal visa categories and classifications, please consult with your institution’s General Counsel.

1. Are Florida College System (FCS) institutions now required to collect proof of United States citizenship or proof that a student is lawfully present in the United States pursuant to Rule 6A-10.044(1), Florida Administrative Code (F.A.C.)?
  - Yes. FCS institutions are required to collect proof of United States citizenship or proof that a student is lawfully present in the United States for purposes of determining that a student is eligible for residency for tuition purposes.
2. Is the requirement to collect proof of United States citizenship or proof that a student is lawfully present in the United States retroactive and require current students to be verified?
  - No, the requirement applies to students seeking initial determination of residency for tuition purposes or those applying for reclassification as a resident for tuition purposes.
3. What is the effective date of the amendment to Rule 6A-10.044, F.A.C.?
  - The rule was effective upon approval by the State Board of Education (SBOE), which was on 12/21/2025. However, FCS institutions should have local policies in place to serve students who will be enrolling in the Fall 2026 Semester.
4. When does the new reclassification provision go into effect?
  - Regarding the new reclassification provision that allows for two documents instead of three documents, once FCS institutions establish local policies, they can be implemented for students enrolling in the Summer 2026 Semester.
5. Regarding reclassification, what documents are acceptable?
  - The two documents must include at least one from section (s.)1009.21(3)(c)(1), Florida Statutes (F.S.), and may include one from s.1009.21(3)(c)(2), F.S., unless the document provided is the document described in s. 1009.21(3)(c)(1)(f), F.S., “Proof of a homestead exemption in Florida”, which is deemed a single, conclusive piece of evidence proving residency.
6. Do the “tuition and required fees” in Rule 6A-10.044 (2)(b)(7), F.A.C., include the estimated cost of attendance?
  - No, the tuition and required fees should be calculated pursuant to s. 1009.23, F.S.
  - The estimated cost of attendance (room and board, transportation, course related materials, personal expenses for daily needs, etc.) should not be included in the calculation.

## **Rule 6A-10.044, Florida Administrative Code, Residency for Tuition Purposes**

7. Are the “tuition and required fees” calculated based on the cost for Florida Resident for tuition purposes (in-state rate) or Non-resident for tuition purposes (out-of-state rate)?
  - All students are assumed to be “Non-residents for tuition purposes” (out-of-state) until they can demonstrate that they meet the residency requirements in s. 1009.21, F.S., and the criteria in Rule 6A-10.044, F.A.C.
  
8. Are the “tuition and required fees” based on the “Dependent student” or the “Independent student” status?
  - Dependent or independent student status determines whose documentation is used to prove residency (student’s own documentation vs. parent’s or legal guardian’s documentation).
  - The tuition and required fees are based on the “Resident for tuition purposes” in-state rate or the “Non-resident for tuition purposes” out-of-state rate, not on dependent or independent student status.
  - All students under 24 years of age are assumed to be dependent until they can demonstrate independent status based on the criteria in Rule 6A-10.044(2)(b)(1-8), F.A.C. Students 24 years of age or older are always considered independent.
  
9. How should the “tuition and required fees” be assessed and calculated for the purpose of Rule 6A-10.044, F.A.C.?

FCS institutions should take into consideration the following:

  - A. Assessment and calculations based on each student’s individual schedule.
    - A standard formula should be used for purposes of consistency, which would allow individual FCS institutions to then set a ‘flat rate’ dollar amount based upon a ‘reasonable student schedule’ and apply this amount consistently and fairly across all students.
  - B. Assessment and calculations based on IPEDS Annual FTE (fall, spring, summer).
    - FCS institutions may choose to assess and calculate the tuition and required fees based on IPEDS Annual FTE where 1 FTE is 12 credits in the fall, 12 credits in the spring, and 6 credits in the summer for a total of 30 credits ( $\$215.94 + \$71.98 = \$287.92 \times 30 = \$8,638/2 = \$4,319$ , pursuant to s. 1009.23(3)(a), F.S.).
  
10. Are colleges required to evaluate residency for tuition purposes for college credit instruction and clock hour instruction?
  - Pursuant to s. 1009.23, F.S., residency for tuition purposes applies to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, an associate in science degree, or a baccalaureate degree authorized pursuant to s. 1007.33, F.S., as well as to fees charged for noncollege credit developmental education defined in s. 1004.02, F.S., and to educator preparation institute programs defined in s. 1004.85, F.S.

## Rule 6A-10.044, Florida Administrative Code, Residency for Tuition Purposes

- Pursuant to s. 1009.22, F.S., residency for tuition purposes applies to fees charged for college credit instruction or clock hour instruction leading to the award of a college credit or vocational certificate program.
- 11.** Rule 6A-10.044(3)(a), F.A.C., states that each FCS institution must set its own deadline for submitting residency documents, and s. 1009.21(3)(b), F.S., states residency must be determined at the time of initial enrollment defined as “the first day of class” pursuant to s. 1009.21(1)(b), F.S. Does the provision in rule mean residency has to be determined by the first day of classes, or can it be determined at any time before the end of the semester?
- Provided that the documentation submitted demonstrates that residency in this state was established for a minimum of 12 consecutive months prior to a student’s initial enrollment, residency determination can be operationalized through the end of the Add/Drop period of the student’s semester of initial enrollment.
- 12.** What do the definitions of “Dependent student” versus “Independent student” mean for tax purposes?
- As defined in s. 1009.21(1)(a), F.S., the definition of “Dependent student” has the same meaning as “dependent child”:
    - “Dependent child” means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.
  - The definition of “Independent student” is consistent with the criteria in the federal income tax code, which states that a person is considered independent if he or she cannot be claimed as a dependent by another taxpayer:
    - “Dependent child” means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.
- 13.** Should “tuition and required fees” be assessed prior to residency being determined?
- This is an institutional decision.
- 14.** How can FCS institutions operationalize the following provision in Rule 6A-10.044(3)(f), F.A.C.? *“A written notice disclosing the penalties for intentional fraud or misrepresentation of the student or, if that student is a dependent, the student’s legal guardian’s residency status.”*
- Students would be eligible for prosecution under Chapters 817 and 831, F.S.
  - This provision can be operationalized via a signature line on the Initial Determination of Residency form established by each FCS institution.
- 15.** How can FCS institutions operationalize the following provision in Rule 6A-10.044(3)(c), F.A.C.? *“Each Florida College System institution shall provide written notice to admitted students that the burden of providing clear and convincing documentation to justify the institution’s*

## **Rule 6A-10.044, Florida Administrative Code, Residency for Tuition Purposes**

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.
- This provision can be operationalized via a signature line on the Initial Determination of Residency form established by each FCS institution.

**16.** Is the Florida Residency Declaration for Tuition Purposes form (Form FRD-1) still required for the initial determination of residency?

- No. Effective with the amendment to Rule 6A-10.044, F.A.C., which was approved at the November 13, 2025, SBOE meeting, FCS institutions will not be required to use Form FRD-1 but rather have the flexibility to create their own internal processes for determining initial eligibility, consistent with the requirements set forth in s. 1009.21, F.S., and Rule 6A-10.044, F.A.C.

**17.** Is the Guidelines on Florida Residency for Tuition Purposes document still available for colleges to utilize?

- The 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 Florida Residency for Tuition Purposes document.
- As of June 2024, the document is no longer housed or maintained by the ACC or by the Florida Department of Education. As such, FCS institutions should adhere to the requirements set forth in s. 1009.21, F.S., and Rule 6A-10.044, F.A.C., when determining residency for tuition purposes.

**18.** Do the provisions in ss. 1009.21(10)(j), and 1009.98(2)(a)(1), F.S., outlined below preclude students from providing proof of immigration?

Section 1009.21(10)(j), F.S. – “The following persons shall be classified as residents for tuition purposes: (j) 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 Florida College System institution or state university within 50 miles of the military establishment where they are stationed.”

Section 1009.98(2)(a)(1), F.S. – “Through the Florida College System institution plan, the advance payment contract may provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall

## **Rule 6A-10.044, Florida Administrative Code, Residency for Tuition Purposes**

be classified as a resident for tuition purposes, pursuant to s. 1009.21, regardless of his or her actual legal residence.”

- Under Rule 6A-10.044(3), F.A.C., each FCS institution must establish policies and procedures for determining each admitted student's Florida residency status for tuition purposes. These policies and procedures must be consistent with state law and, at a minimum, adhere to the requirements listed in subsection (3) of the rule.
- If, pursuant to the institution's policies and procedures, a student provides sufficient documentation that he or she qualifies for Florida residency under a statute that provides an alternative mechanism for conclusively determining residency status, the institution is not required to satisfy subsection 3(e) of the rule to make that Florida residency status determination.
  - For example, if a student meets the residency requirements in s. 1009.21(10)(j), F.S., the FCS institution is not required to verify that the student meets the residency requirements in subsection (3)(e) of the rule. However, under subsection (3)(c), the student must still provide "clear and convincing documentation to justify the institution's classification of a student's residency status for tuition purposes." Therefore, the student must provide sufficient documentation showing that the student (or the student's parent) is an active-duty member of the Canadian military residing or stationed in Florida under the NORAD agreement. The student must also provide sufficient documentation that the FCS institution the student seeks to attend is located within 50 miles of the military establishment where the student (or the student's parent) is stationed. After the student provides sufficient documentation pursuant to the institution's policies and procedures, the institution will determine the student's Florida residency status for tuition purposes.
  - Similarly, if a student meets the residency requirements in s. 1009.98(2)(a)(1), F.S., the student must provide clear and convincing documentation establishing that the student is a qualified beneficiary under the Florida Prepaid College Program. Once the student submits this documentation pursuant to the institution's policies and procedures, the institution will determine the student's residency status for tuition purposes. Again, in this instance, the FCS institution does not need to verify that the student meets the residency requirements in subsection (3)(e) of the rule, because residency status is satisfied through the student's eligibility under s. 1009.98(2)(a)(1), F.S.