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**DFC Memorandum Number: 2026-01**

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## MEMORANDUM

**TO:** Florida College System Presidents

**FROM:** Kathryn S. Hebda 

**DATE:** January 22, 2026

**SUBJECT:** **Approval of Amendment to Rule 6A-10.044, Florida Administrative Code, Residency for Tuition Purposes**

On November 13, 2025, the State Board of Education approved revisions to Rule 6A-10.044, Florida Administrative Code (F.A.C.), Residency for Tuition Purposes. The rule sets forth the requirements for the classification of Florida College System (FCS) institution students as residents for tuition purposes, in accordance with criteria set forth in Section (s.) 1009.21, Florida Statutes (F.S.). A copy of the rule is attached for your reference.

### Sections of the rule that were revised:

- Subsection (1): Revises the purpose statement to specify that the policy applies to United States citizens and those lawfully present in the United States.
- Subsection (2): Creates a definition section to include “Dependent student,” “Independent student,” “Resident for tuition purposes” and “Non-resident for tuition purposes.”
  - Creates a streamlined process for colleges to define independent students. The criteria used to define an independent student are consistent with IRS criteria for determining dependency status.
- Subsection (3): Eliminates Form FRD-1, Florida Residency Declaration for Tuition Purposes, for the initial determination of residency, 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. Colleges will not be required to use the FRD-1 form but rather have the flexibility to create their own internal processes for determining initial eligibility.
  - Adds the requirement for 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.
- Subsection (4): Reorders the paragraph from the original rule for the declaration of domicile requirements.
- Subsection (5): Revises language regarding the number of documents required for the reclassification of residency status to align with the initial determination of residency requirement, reducing the requirement from three documents down to two documents.
  - 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.

KATHRYN S. HEBDA  
FLORIDA COLLEGE SYSTEM CHANCELLOR

**Sections of the rule that were stricken:**

- Strikes the subsection with the non-United States citizen eligibility criteria (formerly subsection (4)). This revision will require colleges to establish and locally maintain the federal visa categories and residency statuses for non-US citizens for purposes of determining residency for in-state tuition. The requirement that residency for tuition purposes applies to those with legal status in the U.S. was clarified and relocated to the purpose statement.
- The following provision is still required in statute, and has been stricken from the rule as it is not necessary to repeat the statutory provision:  
“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.”
- The following provision is still required in statute, and has been stricken from the rule as it is not necessary to repeat the statutory provision:  
“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.”

**Action Required:**

Once the rule is effective, each FCS institution should review the statutory requirements and rule revisions and take any necessary actions to be consistent with the changes, where applicable. FCS institutions may need to modify existing policies, procedures, admissions and advising practices, institutional catalogs and websites, and reporting mechanisms to comply with the provisions.

**Next Steps:**

To assist institutions in implementing Rule 6A-10.044, F.A.C., please see the attached Frequently Asked Questions document.

Please contact Dr. Mike Sfiropoulos, Associate Vice Chancellor of Academic and Student Affairs, at [Mike.Sfiropoulos@fldoe.org](mailto:Mike.Sfiropoulos@fldoe.org) for questions regarding the rule.

KH/ms

Attachments

cc: Kevin O’Farrell, Senior Chancellor, Florida Department of Education  
FCS Council of Instructional Affairs  
FCS Council of Student Affairs  
FCS Reports Coordinators  
FCS Registrars