

# **GUIDELINES ON FLORIDA RESIDENCY FOR TUITION PURPOSES**

***Adopted by the Articulation Coordinating Committee***

***Updated: October 28, 2015***

***For use by District Technical 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.***

## TABLE OF CONTENTS

<b><u>SECTION</u></b>	<b><u>PAGE NUMBER</u></b>
<b>1.0 INTRODUCTION</b>	
1.1 Residency Statute .....	1
1.2 Residency Rules/Regulation.....	1
1.3 Residency Guidelines.....	1
<b>2.0 BASIC PROVISIONS</b>	
2.1 Residency for Tuition Purposes.....	2
2.2 Physical Presence vs. Legal Residence .....	2
2.3 Requisite Intent .....	3
2.4 Exceptions/Qualifications .....	3
<b>3.0 DETERMINATION OF DEPENDENT OR INDEPENDENT</b>	
3.1 Definitions .....	6
3.2 Process/Standards for Proving Independent Status .....	7
<b>4.0 PROCEDURES FOR INITIAL CLASSIFICATION</b>	
4.1 Residency Declaration.....	9
4.2 Non-Resident Claim .....	9
4.3 Transfers from Florida Public Higher Education Institutions .....	9
4.4 Transient Students .....	9
4.5 Non-Degree Seeking Students.....	9
4.6 Documentary Evidence .....	10
4.7 Information Resources .....	11
<b>5.0 PROCEDURES FOR RECLASSIFICATION</b>	
5.1 Reclassification Application .....	12
5.2 Documentary Evidence .....	12
<b>6.0 MILITARY ISSUES</b>	
6.1 Definitions .....	13
6.2 Residency Protections and Exceptions/Qualifications for Military Personnel.....	13
6.3 Information Resources .....	14
<b>7.0 IMMIGRATION &amp; INTERNATIONAL STUDENT ISSUES</b>	
7.1 Definitions and Eligibility for Residency for Tuition Purposes .....	15
7.2 Documentary Evidence for Individuals with Non-Immigrant Visas.....	15
7.3 Linkage Institutes .....	15
<i>Exhibit 7-1: Florida Linkage Institutes.....</i>	<i>16</i>
7.4 Latin American or Caribbean Students .....	17

<b>8.0</b>	<b>APPEALS PROCESS FOR RESIDENCY DETERMINATIONS</b>	
8.1	Institutional Appeals Process.....	18
8.2	Role of Department of Education & Board of Governors' Staff .....	18
<b>9.0</b>	<b>STATEWIDE RESIDENCY COMMITTEE</b>	
9.1	Purpose and Structure of the Committee.....	19

**APPENDICES**

<b>APPENDIX A – FREQUENTLY ASKED QUESTIONS .....</b>	<b>A-1</b>
<b>APPENDIX B- SUMMARY OF RESIDENCY PROVISIONS .....</b>	<b>B-1</b>
<b>APPENDIX C – DOCUMENTATION FOR ELIGIBLE ALIENS .....</b>	<b>C-1</b>
<i>Exhibit C-1: Overview of Documentation for Eligible Aliens</i>	
<b>APPENDIX D – SAMPLE DOCUMENTATION FOR WRONGFUL INCARCERATION .....</b>	<b>D-1</b>
<b>APPENDIX E – SAMPLE DOCUMENTATION FROM THE DEPARTMENT OF JUVENILE JUSTICE.....</b>	<b>E-1</b>

## **SECTION 1.0 – INTRODUCTION**

The policy regarding residency for tuition purposes in Florida is composed of several layers, including state statute, rule and regulation 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. For purposes of this manual and according to section (s.) 1009.21(1)(c), Florida Statutes (F.S.), “Institution of higher education (IHE)” 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, Florida College System institution as defined in s. 1000.21(3), or state university as defined in s. 1000.21(6).

### **1.1 Residency Statute**

Section 1009.21, F.S., 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 State Board of Education and the Board of Governors to establish rule and regulation related to residency for tuition purposes.

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1009/Sections/1009.21.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1009/Sections/1009.21.html)

### **1.2 Residency Rules/Regulation**

The State Board of Education adopted Rule 6A-10.044 and the Board of Governors adopted regulation 7.005 relating to residency for tuition purposes. Revisions are considered by the Articulation Coordinating Committee (ACC). The Statewide Residency Committee, a subcommittee of the ACC, proposes changes to the rule and regulation based on feedback from district technical centers, Florida College System institutions, universities, and independent institutions. The residency rule and regulation provide further detail regarding the process and requirements for residency. However, they do 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 below for the full text of the rules and regulation.

[State Board of Education Rule 6A-10.044](#)  
[Board of Governors Regulation 7.005:](#)  
[State Board of Education Rule 6A-20.003](#)

### **1.3 Guidelines on Residency for Tuition Purposes**

This *Guidelines on Residency for Tuition Purposes* was prepared by the ACC to assist Florida public IHE administrators in implementing s. 1009.21, F.S.; 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 assist in the determination of residency status for tuition purposes by Florida public IHEs.

## **SECTION 2.0 – BASIC PROVISIONS**

### **2.1 Residency for Tuition Purposes**

U.S. citizens, lawful permanent residents, and certain non-U.S. citizens as described below may be classified as a Florida resident for tuition purposes provided legal residence has been established 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.

Pursuant to section 1009.21 (2)(d), F.S., a dependent student who is a US citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent.

### **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:

- If a dependent child has been residing continuously with a legal resident adult relative other than the parent for at least 3 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), F.S.].
- 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), F.S.]
- 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), F.S.]
- 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), F.S.]

- A person who physically resides in the state may be classified as a resident for tuition purposes if he or she marries a person who meets the 12-month requirement and who is a legal resident. [s. 1009.21(5), F.S.]
- A person who is classified as a nonresident for tuition purposes and who marries a legal resident of the state or marries a person who becomes a legal resident of the state may, upon becoming a legal resident of the state, become eligible for reclassification as a resident for tuition purposes upon submitting evidence of his or her own legal residency in the state, evidence of his or her marriage to a person who is a legal resident of the state, and evidence of the spouse's legal residence in the state for at least 12 consecutive months immediately preceding the application for reclassification. [s. 1009.21(6)(d), F.S.]
- 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), F.S.]
- 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 (extended to the end of the term in which the 12 months is reached). [s. 1009.21(8), F.S.]

### **2.3 Requisite Intent**

As provided by s. 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 a Florida public IHE.

### **2.4 Exceptions/Qualifications**

**Statutory Exceptions and Qualifications.** Section 1009.21, F.S., permits certain applicants who do not meet residency requirements to be classified as Florida residents for tuition purposes.

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 IHE, 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 in Florida during the period of enrollment. (This benefit only applies one time.) [s. 1009.21(9), F.S.]

2. 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), F.S.]; 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(2)(a), F.S.].
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), F.S.].
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), F.S.].
5. Full time instructional and administrative personnel employed by the State of Florida public school system and Florida public IHE (and spouse/dependent children). See Appendix A, Frequently Asked Questions, for definition of instructional and administrative personnel. [s. 1009.21(10)(d), F.S.].
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 public IHE. See Section 7.0, Immigration and International Student Issues, for more information on the qualifying scholarships. [s. 1009.21(10)(e), F.S.].
7. Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities. [s. 1009.21(10)(f), F.S.].
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), F.S.].
9. McKnight Doctoral Fellows and Finalists who are United States citizens. [s. 1009.21(10)(h), F.S.].
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), F.S.].
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), F.S.].

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), F.S.].
13. Qualified beneficiaries under the Stanley G. Tate Florida Pre-Paid College Program per s. 1009.98, F.S. (Pre-Paid ID Card Required). [s. 1009.98(2)(b)1, F.S.].
14. Linkage Institute participants receiving partial or full exemptions from s. 1009.21, F.S., based on criteria approved by the Florida Department of Education per s. 288.8175(5), F.S., 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(5), F.S.].



## 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<sup>1</sup> or National Guard or Reserves for purposes other than training.
6. At any time since the student turned age 13, where 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 youth by a school district homeless liaison, or by a staff member of an emergency shelter or transitional housing program.
8. The student is working on a master's or doctoral degree during the term for which residency status is sought at a Florida institution.

<sup>1</sup>The U.S. Armed Forces consist of the U.S. Air Force, the U.S. Army, the U.S. Coast Guard, the U.S. Marine Corps and the U.S. Navy.

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

A student who does not meet one of the criteria outlined in section 3.1 may be classified as an independent student only if he or she submits documentation that he or she provides more than fifty (50) percent of the cost of attendance for independent, in-state students as defined by the 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.

**Parent.** "Parent" means either or both parents of a student, any guardian of a student, or any person in a parental relationship to the student." [s. 1009.21(1)(f), F.S.]

In order to be considered a “qualifying child” or “dependent” for federal income tax code purposes, the following must be true:

1. The child must be your son, daughter, or stepchild, foster child, brother, sister, half-brother, half sister, stepbrother, stepsister, or a descendent of any of them.
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 of withheld income tax or estimated tax paid).

Some individuals cannot be claimed as a dependent. Generally, a married person cannot be claimed 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 Declaration.

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 Florida public IHE;
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 Declaration**

The Residency Declaration (formerly known as the Residency Affidavit) should be part of any Florida public IHE 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 Declaration 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 Declaration.

For students in Florida’s independent colleges and universities, the Residency Declaration 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 Declaration, there is no requirement to “prove” such status or to submit supporting documentation. The student is automatically considered a non-Florida resident for tuition purposes.

### **4.3 Transfers from Florida Public IHEs**

Pursuant to s. 1009.21(11), F.S., once a student has been classified as a resident for tuition purposes, a Florida public IHE 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.

### **4.4 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.

### **4.5 Non-Degree Seeking Students**

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

#### **4.6 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 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 verifiable family ties to a Florida resident, as defined by tuition purposes.
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  
Social Security Card  
Florida Concealed Weapons permit  
Insurance Card

### **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:

- S. 112.19(3), F.S.: Dependents or spouses of law enforcement, correctional, or correctional probation officers killed in the line of duty,
- S. 112.191(3), F.S.: Dependents or spouses of firefighters killed in the line of duty,
- S. 112.1915(3)(d), F.S.: Dependents or spouses of teacher or school administrators killed or injured in the line of duty,
- S. 961.06(1)(b), F.S.: Wrongful incarceration (for example documentation see Appendix D),
- S. 1009.25(1)(c), F.S. and (d): Custody of Department of Children and Families, in the care of a relative or adopted from the Department of Children and Families, and
- S. 1009.25(1)(f), F.S.: Homeless

After eligibility for the waiver or exemption has expired, the student must be reclassified as a Florida resident for tuition purposes to continue receiving in-state tuition benefits.

#### **4.7 Information Resources**

***Driver and Vehicle Information Database*** (DAVID) – Access to DAVID may be requested by a Florida public IHE, exclusively for the purpose of verifying driver's license and vehicle registration histories for students so as to establish residency for tuition purposes. Information may be accessed at <http://www.flhsmv.gov/courts/david/>.

## **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 Declaration at the Florida public IHE 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 4.6 of this document. One of the three documents must come from Tier 1.

The burden of providing clear and convincing documentation that justifies the Florida public IHE’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 Florida public IHE 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 Florida public IHE may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes.

S. 1009.21(6)(a), F.S. emphasizes the need for clear and convincing documentation that supports permanent legal residency in the state for at least 12 consecutive months rather than temporary residence for the purposes of education. The two examples provided are not intended to be the exclusive means under that subsection to permit reclassification of a student for tuition purposes. Not all potential circumstances which may be presented under that subsection will require a student to relinquish enrollment during the 12 month qualifying period. The primary objective of the section is to require students to submit documentation that clearly and convincingly demonstrates the establishment of permanent legal residency in Florida for at least 12 consecutive months and that such residency is not on a temporary basis for the purpose of obtaining an education.

An individual who is classified as a non-resident for tuition purposes and who marries a legal resident of the state and 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), F.S.]

## **SECTION 6.0 – MILITARY ISSUES**

### **6.1 Definitions**

The following definitions are provided for military terms used in the residency statute and rule/regulation.

**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), F.S.]
- 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 [s.1009.21(2)(a), F.S.], 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), F.S.]
- 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), F.S.]

Additionally, Florida statutes provide 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), F.S.].
- 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), F.S.].

- 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), F.S.].

### **6.3 Information Resources**

[Air Force Personnel Center](#) – Students can download military orders or LES paperwork required for residency.

[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.

## **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. However, a dependent child who is a United States citizen may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parents.

### **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 C.

Certain non-U.S. citizens who are recognized under federal law as having legal status in the United States such as lawful permanent residents, persons in certain 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). For detailed information and examples of the required documentation for non-U.S. citizen claimants, see Appendix C.

### **7.3 Linkage Institutes**

Section 288.8175, F.S., created Florida Linkage Institutes that are co-administered by a Florida College System institution – state university 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.

**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 College
Florida Caribbean Institute	Florida International University Daytona 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 of Florida 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 State 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, F.S., 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](#)

[Florida-Costa Rica Institute](#)

[Florida-Caribbean Institute](#)

[Florida-Canada Institute](#)

[Florida-China Institute](#)

[Florida-Japan Institute](#)

[Florida-France Institute](#)

[Florida-Israel Institute](#)

[Florida-West Africa Institute](#)

[Florida-Eastern European Institute](#)

[Florida-Mexico Institute](#)

#### **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 s. 1009.21(10)(e), F.S.:

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.

## **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 Florida public IHE, 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. [s.1009.21(12), F.S.]

### **8.2 Role of Florida Department of Education & Board of Governors Staff**

The Florida Department of Education and Office of the Board of Governors 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, the Higher Education Coordinating Council 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 System representatives, two independent college or university (ICUF) representatives, and two district technical center representatives 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.

#### District Technical Centers

- Two administrators from district technical centers.

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 Associate Vice Chancellor for Academic and Student Affairs for the Division of Florida Colleges will make recommendations to the ACC Chair regarding potential vice presidents and financial aid directors to represent Florida College System institutions.
- 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 meets at least once per year, as deemed necessary. 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, and one person from the Department of Education Division of Career and Adult Education which oversees District Technical Centers. An attorney serves 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. Evidence must be provided for the 12 month period prior to incarceration.

#### ***Are Dual Enrollment students required to show residency?***

Dual enrollment students in the Florida College System are not required to provide residency documentation. You may refer to <http://fldoe.org/core/fileparse.php/5421/urlt/0078401-memo-dualenrollment.pdf> for guidance from the Department of Education.

#### ***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 is the definition of public schools' "Instructional and Administrative Personnel" as used in the residency statute?***

Section 1009.21(10)(d), F.S. relies on the definition of "Instructional and Administrative Personnel" provided on s. 1012.01, F.S. 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, F.S. 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 system-wide or school-wide 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 non-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 non-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 non-instructional 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 non-instructional 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 – SUMMARY OF RESIDENCY PROVISIONS

Type of Exception/Qualification	Requirements/Evidence	Authority
Dependent living for 3 yrs. with adult relative who is legal resident of FL for at least 12 mo. prior to student's qualification	3 years continued residence w/ relative immediately prior & evidence of 12-mo. residency of dependent and relative	Section 1009.21 (2)(b), F.S.
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), F.S.
Active duty military residing or stationed in FL and spouse/dependents	Military documents	Section 1009.21(10)(a), F.S.
Active duty drilling member of FL National Guard	National Guard documents	Section 1009.21(10)(a), F.S.
Military personnel (& spouse/dependents) not stationed in FL but home of record is FL	DD Form 2058	Section 1009.21(10)(a), F.S.
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), F.S.
US citizens living on Isthmus of Panama and spouse/dependent children	Completed 12 mo. at FSU Panama Canal Branch	Section 1009.21 (10)(c), F.S.
FT instructional & administrative personnel (& spouse/dependents) employed by FL public school system, community colleges, or universities	Employment paperwork/ See S. 1012.01, F.S., for definitions of instructional and administrative	Section 1009.21(10)(d), F.S.
Students receiving Latin American/Caribbean scholarships from US or FL government	Scholarship paperwork	Section 1009.21(10)(e), F.S.
SREB Academic Common Market graduate students	Certified letter from ACM coordinator in home state	Section 1009.25(10)(f), F.S.
FT employees of state agencies/political subdivisions if fees paid by state for law enforcement/corrections training	Employer paperwork	Section 1009.21(10)(g), F.S.
McKnight Doctoral Fellows and Finalists	US citizenship / Scholarship paperwork	Section 1009.21(10)(h), F.S.
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), F.S.
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), F.S.
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), F.S.
Qualified beneficiaries of the FL Prepaid College Program	Prepaid ID card	Section 1009.98(2)(b)1, F.S.
Linkage Institute participants awarded partial or full exemptions from residency requirements	Linkage Institute verification	Section 288.8175(5), F.S.
Non U.S. Citizens	See Appendix C	

## APPENDIX C – DOCUMENTATION FOR ELIGIBLE ALIENS

### OVERVIEW OF DOCUMENTATION FOR ELIGIBLE ALIENS

STATUS	DOCUMENTS
Citizen	U.S. Birth Certificate
	U.S. Passport (Expired or Unexpired)
	Certificate of Naturalization
Permanent Resident	Permanent Resident Card (Form I-551)
	Passport stamped "Processed for I-551. Temporary Evidence of Lawful Permanent Residence. Valid until [DATE]"
	Arrival/Departure Record (Form I-94) stamped "Temporary Form I-551. Admission for permanent residence at [PORT] on [DATE] verified"
	USCIS Notice of Action (Form I-797) stating application for permanent resident status has been approved
	Order of the Immigration Judge stating application for adjustment of status has been granted
Parolee	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(11)</li> <li>➤ Code on Form I-766 – C11</li> </ul>
	Arrival/Departure Record (Form I-94) stamped "Paroled pursuant to [PROVISION OF LAW] to [DATE] (may add "pending hearing," "public interest," "humanitarian")"
Asylee	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(5)</li> <li>➤ Code on Form I-766 – A05</li> </ul>
	Arrival/Departure Record (Form I-94) stamped "Asylum Status Granted"
	USCIS Asylum Office Letter stating that the request for asylum has been granted
	Order of an Immigration Judge stating application for asylum has been granted
Refugee	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(3)</li> <li>➤ Code on Form I-766 – A03</li> </ul>
	Arrival/Departure Record (Form I-94) stamped "Admitted as a Refugee pursuant to Section 207 of the Act"
	Passport stamped "Admitted as a Refugee pursuant to Section 207 of the Act"
Conditional Permanent Resident	SAME AS DOCUMENTS FOR PERMANENT RESIDENT
Visa Category A	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(1)</li> <li>➤ Code on Form I-766 – C01</li> </ul>
	Arrival/Departure Record (Form I-94) stamped "Admitted A-1 until [DATE]" (or A-2, A-3)
Visa Category E	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(2)</li> <li>➤ Code on Form I-766 – C02</li> </ul>
	Arrival/Departure Record (Form I-94) stamped "Admitted E-1 until [DATE]" (or E-2)
	Passport stamped same as I-94 card
	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

STATUS	DOCUMENTS
Visa Category G	Employment Authorization Document (i.e., “work permit card”)
	<ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(4)</li> <li>➤ Code on Form I-766 – C04</li> </ul>
	Arrival/Departure Record (Form I-94) stamped “Admitted G-1 until [DATE]” (or G-2, G-3, G-4, G-5)
Visa Category H-1B, H-1C	Passport stamped same as I-94 card
	Arrival/Departure Record (Form I-94) stamped “Admitted H-1B until [DATE]”
	Passport stamped same as I-94 card USCIS Notice of Action (Form I-797A) stating it is an “Approval Notice” for “Class H-1B” (or H-1C), “Valid from [DATES]”; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off
Visa Category I	Arrival/Departure Record (Form I-94) stamped “Admitted I until [DATE]”
	Passport stamped same as I-94 card
	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
Visa Category K	Employment Authorization Document (i.e., “work permit card”)
	<ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(6)</li> <li>➤ Code on Form I-766 – A06</li> </ul>
	Arrival/Departure Record (Form I-94) stamped “Admitted K-1 until [DATE]” (or K-2, K-3, or K-4)
Visa Category L	Passport stamped same as I-94 card
	Arrival/Departure Record (Form I-94) stamped “Admitted L-1 until [DATE]” (or L-2)
	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
Visa Category N	Employment Authorization Document (i.e., “work permit card”)
	<ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(7)</li> <li>➤ Code on Form I-766 – A07</li> </ul>
	Arrival/Departure Record (Form I-94) stamped “Admitted N-8 until [DATE]” (or N-9)
	Passport stamped same as I-94 card 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
Visa Category O-1	Arrival/Departure Record (Form I-94) stamped “Admitted O-1 until [DATE]”
	Passport stamped same as I-94 card
	USCIS Notice of Action (Form I-797A) stating it is an “Approval Notice” for “Class O-1”, “Valid from [DATES]”; bottom of letter will have new I-94 (Arrival/Departure) card which can be torn off
Visa Category R	Arrival/Departure Record (Form I-94) stamped “Admitted R-1 until [DATE]” (or R-2)
	Passport stamped same as I-94 card
	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

STATUS	DOCUMENTS
Visa Category S	Arrival/Departure Record (Form I-94) stamped "Admitted S-1 until [DATE]" (or S-2)
	Passport stamped same as I-94 card
	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
Visa Category T	Arrival/Departure Record (Form I-94) stamped "Admitted T until [DATE]"
	Passport stamped same as I-94 card
	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
Visa Category U	Arrival/Departure Record (Form I-94) stamped "Admitted U until [DATE]"
	Passport stamped same as I-94 card
	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
Visa Category V	Arrival/Departure Record (Form I-94) stamped "Admitted V until [DATE]"
	Passport stamped same as I-94 card
	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
Visa Category NATO-1, 2, 3, 4, 5, 6, 7	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(7)</li> <li>➤ Code on Form I-766 – C07</li> </ul>
	Arrival/Departure Record (Form I-94) stamped "Admitted NATO-1 until [DATE]" (or NATO-2, 3, 4, 5, 6, 7)
	Passport stamped same as I-94 card
	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
Citizens of Micronesia	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(8)</li> <li>➤ Code on Form I-766 – A08</li> </ul>
Citizens of the Marshall Islands	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(8)</li> <li>➤ Code on Form I-766 – A08</li> </ul>
Withholding of Deportation	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(10)</li> <li>➤ Code on Form I-766 – A-10</li> </ul>
	USCIS Asylum Office Letter stating that the application for withholding of deportation (also referred to as withholding of removal) has been granted
	Order of an Immigration Judge stating application for withholding of deportation (or removal) has been granted
	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(9)</li> <li>➤ Code on Form I-766 – C09</li> </ul>
	USCIS Notice of Action (Form I-797) stating that an I-485 Application to Adjust to Permanent Resident Status has been received
	Application to Register Permanent Residence or Adjust Status (Form I-485) 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

STATUS	DOCUMENTS
Applicants for Adjustment of Status	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(9)</li> <li>➤ Code on Form I-766 – C09</li> </ul>
	USCIS Notice of Action (Form I-797) stating that an I-485 Application to Adjust to Permanent Resident Status has been received
	Application to Register Permanent Residence or Adjust Status (Form I-485) 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
Applications for Asylum	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(8)</li> <li>➤ Code on Form I-766 – C08</li> </ul>
	USCIS Asylum Office “Acknowledgement of Receipt” Form stating Form I-589 has been received and is pending
	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
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). <b>I-94 may be expired.</b>
	CH6 adjustment code on the I-551
	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). <b>I-94 may be expired.</b>
	A Cuban or Haitian passport with a stamp dated after October 10, 1980. <b>Passport may be expired.</b>
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.
	Employment Authorization Document (i.e., “work permit card”) <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(a)(4) or 274a.12(c)(11) ) <b>and documentation confirming that individual is a Cuban or Haitian national</b></li> <li>➤ Code on Form I-766 – A04 or C11</li> </ul>

STATUS	DOCUMENTS
Cuban-Haitian Entrant Category Three (See definition below)	I-221 Order to Show Cause and Notice of Hearing
	I-862 Notice to Appear
	I-220A Order of Release on Recognizance
	I-122 Notice to Applicant Detained for a Hearing Before an Immigration Judge
	I-221S Order to Show Cause, Notice of Hearing and Warrant for Arrest
	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)
	I-485 date stamped 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)
	EOIR-26 (Notice of Appeal, date stamped by the Office of the Immigration Judge)
	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(10) <b>and documentation confirming that individual is a Cuban or Haitian national</b></li> <li>➤ Code on Form I-766 – C10</li> </ul>
	Other applications for relief that have been stamped by the 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
Cuban-Haitian Entrant Category Four (See definition below)	I-589 receipt for filing an Application for Asylum and Withholding of Removal
	Employment Authorization Document (i.e., "work permit card") <ul style="list-style-type: none"> <li>➤ Code on Form I-688B – 274a.12(c)(8) <b>and documentation confirming that individual is a Cuban or Haitian national</b></li> <li>➤ Code on Form I-766 – C08</li> </ul>
Other Qualified Aliens	Documentation that demonstrates the claimant is a qualified U.S. alien under 8 U.S.C. § 1621.

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, non-appealable, 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, non-appealable, 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, non-appealable, and legally enforceable order of removal, deportation, or exclusion has not been entered.



**APPENDIX D – SAMPLE DOCUMENTATION FOR WRONGFUL INCARCERATION**



RYL MCCOY, F.M.  
ATTORNEY GENERAL  
STATE OF FLORIDA

OFFICE OF THE ATTORNEY GENERAL  
Criminal Appellate Division

CARDLYN M. SNURKOWSKI  
Assistant Deputy Attorney General  
Pub. Tax Counsel  
Tallahassee, Florida 32399-1550  
Telephone (850) 414-3300  
Fax (850) 437-8997  
Cardlynn.Snurkowski@dm.florida.gov

July 17, 2009

RE: Mr. [REDACTED]'s Wrongful Incarceration Compensation Claim Pursuant to Chapter  
987, 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 987, 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 cursive script, appearing to read "C. Snurkowski".

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

**APPENDIX E – 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.	County of Residence

City	State

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

Home Number	Work Number	Cellular Phone Number
<small>Area Code &amp; Number</small>	<small>Area Code &amp; Number</small>	<small>Area Code &amp; Number</small>
<small>Is this a new number?</small>	<small>Is this a new number?</small>	<small>Is this a new number?</small>
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 Driver's License Number? \_\_\_\_\_

What is your current E-Mail Address? \_\_\_\_\_

Parent or Legal Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

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