

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

BOARD OF GOVERNORS

RULE NO.: 72-1.001 RULE TITLE: Residency for Tuition Purposes PURPOSE AND EFFECT: Section 1009.21, F.S., governing the determination of resident status for tuition purposes was revised during the 2009 and 2010 legislative sessions. A rule must be adopted to implement the statutory revisions. SUMMARY: The proposed rule implements new statutory provisions. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an impact on small business. An SERC has not been prepared by the agency. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. RULEMAKING AUTHORITY: 1009.21(13) FS. LAW IMPLEMENTED: 1009.21 FS. A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW: DATE AND TIME: February 28, 2011, 10:00 a.m.

PLACE: State University System of Florida Board of Governors, 325 West Gaines Street, Room 1605, Tallahassee, Florida 32399-0400

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Monoka Venters, State University System of Florida Board of Governors, 325 West Gaines Street, Suite 1614, Tallahassee, Florida 32399-0400, (850)245-9718 or e-mail: Monoka.Venters@flbog.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Monoka Venters, State University System of Florida Board of Governors, 325 West Gaines Street, Suite 1614, Tallahassee, Florida 32399-0400, (850)245-9718 or e-mail: Monoka.Venters@flbog.edu

THE FULL TEXT OF THE PROPOSED RULE IS:

72-1.001 Residency for Tuition Purposes.

(1) The purpose of this regulation is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with the criteria set forth in Section 1009.21, F.S.

(2) For Initial Determination of Residency:

(a) 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 Florida GED within the last twelve (12) months may use the high school transcript or GED certificate 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 his or her parent's legal residency in Florida.

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

(3) For Residency Reclassification Determination. A student who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in Section 1009.21(3)(c)1. or

1009.21(3)(c)2., F.S., that convincingly demonstrate the establishment of permanent legal residence in Florida other than for the sole purpose of pursuing a postsecondary education. Documentation must demonstrate that the student or, if the student is a dependent, his or her parent has maintained legal residence in Florida for at least twelve (12) consecutive months immediately prior to the first day of classes for the term for which residency reclassification is sought except as otherwise provided in Section 1009.21(6), F.S.

(4) The burden of providing clear and convincing documentation that justifies the university’s classification of a student as a resident for tuition purposes rests with the applicant. For documentation to be “clear and convincing,” it must be credible, trustworthy, and sufficient to persuade the university that the applicant has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished legal residency in any other state for at least twelve (12) months prior to classification. Each university may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes.

(5) A non-United States citizen may be eligible to establish residency for tuition purposes if evidence is presented verifying that he or she is legally present in the United States, has met the residency requirements of Section 1009.21, F.S., and the person is one of the following:

(a) A foreign national in a nonimmigrant visa classification that grants the person the legal ability to establish and maintain a bona fide domicile in the United States according to the United States Citizenship and Immigration Services (USCIS).

1. The following visa categories grant the person the legal ability to establish and maintain a bona fide domicile in the United States according to USCIS: A, E, G, H-1B, H-1C (classification expires 12-20-2011), I, K, L, N, NATO 1-7, O-1, R, S, T, U, and V.

2. The following visa categories do not grant the person the legal ability to establish and maintain a bona fide domicile in the United States according to USCIS: B, C, D, F, M, P, Q, and TN. J visa holders are not eligible to establish residency for tuition purposes except as provided in Section 1009.21(10), F.S.

3. The student, and parent if the student is a dependent, must present evidence of legal presence in the United States.

(b) A permanent resident alien, parolee, asylee, Cuban-Haitian entrant, or other legal alien granted an indefinite stay in the United States. The student, and parent if the student is a dependent, must present evidence of legal presence in the United States.

(6) Each university’s residency appeal process established pursuant to Section 1009.21(12), F.S., shall be in writing and displayed prominently on the university’s Web site.

Rulemaking Specific Authority 1009.21(13) FS. Law Implemented 1009.21 FS. History—Formerly 6C-2.51, 11-18-70, Amended 8-20-71, 6-5-73, 3-4-74, Amended and Renumbered 12-17-74, Amended 1-13-76, 12-13-77, 8-11-81, 6-21-83, 12-13-83, 6-10-84, 10-7-85, 12-31-85, Formerly 6C-7.05, Amended 11-9-92, 4-16-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dorothy J. Minear, Senior Associate Vice Chancellor, State University System of Florida, Board of Governors, Academic and Student Affairs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State University System of Florida, Board of Governors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2010

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6A-1.039                      RULE TITLE: Supplemental Educational Services in Title I Schools

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

Form SES 100 as incorporated by reference in Rule 6A-1.039, F.A.C., has been amended in order to address concerns expressed by the Joint Administrative Procedures Committee to delete references to signed documents being notarized. The following sections were affected:

- V. Hard Copy Documentation (page i)
  - E. Signed ~~notarized~~ statements
- V. Hard Copy Documentation Requirements (page 18)
  - E. Signed ~~notarized~~ statements
- B. CHECKLIST OF HARD-COPY DOCUMENTATION REQUIREMENTS (PAGE 22)
  - Signed ~~notarized~~ statements: (E) ~~Statements must be notarized.~~
  - Suspension or disbarment from receiving federal funding
    - Any lawsuits filed against organization
    - Denial of approval or removed from approval status from another state
    - Unresolved complaints with the Better Business Bureau or FLDOE