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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

May 19, 2026

Mr. Chris Emerson
Agency Clerk
Department of Education
325 West Gaines Street, Suite 1514
Tallahassee, Florida 32399

**RE: Department of Education, State Board of Education
Proposed Rule Number 6A-10.0240**

Dear Mr. Emerson:

I have reviewed the above-referenced rule and offer the following comments for your consideration and written response:

6A-10.0240(1)(a)1. The rule has been amended to require Florida College System boards of trustees to adopt policies to "[e]nsure that all students admitted to the Florida College System institutions are citizens of the United States or lawfully present in the United States." As this provision is drafted, it appears to vest providers with unbridled discretion in making the citizenship determination. *See* § 120.52(8)(d), Fla. Stat. (2025).

Should you have any questions, please do not hesitate to contact me. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Jowanna N. Oates".

Jowanna N. Oates
Chief Attorney