

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:11-cv-23776-KMM

WENDY RUIZ, *et al.*,

Plaintiffs,

vs.

GERARD ROBINSON, *et al.*,

Defendants.

FINAL JUDGMENT

THIS CAUSE came before the Court upon Plaintiffs' Amended Complaint (ECF No. 29), which alleged that Defendants' administrative regulations classifying dependent United States citizen students who reside in Florida as "non-residents" based on their parents' federal immigration status are unconstitutional. On August 31, 2012, this Court entered the Order Granting in Part Plaintiffs' Motion for Summary Judgment and Denying Defendants' Motion for Summary Judgment (the "Summary Judgment Order") (ECF No. 94). Therein, this Court ruled that Defendants' regulations violate the Equal Protection Clause to the Fourteenth Amendment of the United States Constitution.

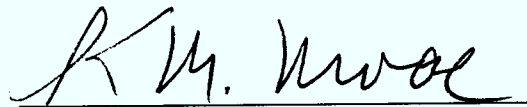
Subsequent to entering the Summary Judgment Order, this Court heard oral argument on the scope of the Final Judgment to be entered in the above-styled action. At the hearing, this Court directed the parties to submit proposed Final Judgment orders and to submit briefs regarding the scope of permanent injunctive relief. The parties complied. See ECF Nos. 100, 101, 102, 103, 106. This Court has considered the Parties' arguments and briefs.

Pursuant to Federal Rule of Civil Procedure 58, and in accordance with the reasoning stated in this Court's Summary Judgment Order, it is hereby **ORDERED AND ADJUDGED**:

1. Final Judgment is hereby entered in favor of Plaintiffs on Count One of the Amended Complaint. Sections 6A-10.044(4)(a) and 72-1.001(5)(a)3 of the Florida Administrative Code are hereby declared to be in violation of the Equal Protection Clause to the Fourteenth Amendment of the United States Constitution insofar as these provisions require dependent United States citizen students who can otherwise establish Florida residency and the Florida residency of their parents to also provide evidence of their parents' federal immigration status and/or legal presence in the United States in order to qualify as "residents for tuition purposes" and thereby become eligible for lower in-state tuition rates at Florida's public universities and colleges.
2. Defendants and their successors, in their official capacities, are hereby ENJOINED from interpreting Sections 6A-10.044(4)(a) and 72-1.001(5)(a)3 of the Florida Administrative Code so as to require dependent United States citizen students who can otherwise establish Florida residency and the Florida residency of their parents to also provide evidence of their parents' federal immigration status and/or legal presence in the United States in order to qualify as "residents for tuition purposes" at Florida's public universities and colleges.
3. The injunctive relief herein shall apply prospectively with respect to residency determinations for dependent United States citizen students who can otherwise establish Florida residency and the Florida residency of their parents commencing with the Spring 2013 academic term.

4. Defendants and their successors are ORDERED to instruct the presidents of each of Florida's public colleges and universities to provide written notice to all dependent United States citizen students of the change in interpretation of Sections 6A-10.044(4)(a) and 72-1.001(5)(a)3 of the Florida Administrative Code consistent with this Final Judgment Order and this Court's Summary Judgment Order within twenty (20) days of the date of this Order, unless upon a showing of good cause, an additional period of time is required.
5. The Court RETAINS jurisdiction to determine attorneys' fees and costs and to insure compliance with this Order.
6. The Clerk of the Court shall CLOSE this case. All pending motions are denied as MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 25th day of October, 2012.


K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

cc: All counsel of record