

Frequently Asked Questions Concerning Out-of-State Fee Waivers for Other Students

1. What is the statutory language?

- a. "(12) A state university, a Florida College System 501 institution, a career center operated by a school district under s. 1001.44, or charter technical career center shall waive out-of-state fees for students, including, but not limited to, students who are undocumented for federal immigration purposes, who meet the following conditions:
 - i. Attended a secondary school in this state for 3 consecutive years immediately before graduating from high school in this state;
 - ii. Apply for enrollment in an institution of higher education within 24 months after high school graduation; and
 - iii. Submit an official Florida high school transcript as evidence of attendance and graduation.
- b. Tuition and fees charged to a student who qualifies for the out-of-state fee waiver under this subsection may not exceed the tuition and fees charged to a resident student. The waiver is applicable for 110 percent of the required credit hours of the degree or certificate program for which the student is enrolled. Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection. By October 1 of each year, the Board of Governors for the state universities and the State Board of Education for Florida College System institutions, career centers operated by a school district under s. 1001.44, and charter technical career centers shall annually report for the previous academic year the percentage of resident and nonresident students enrolled system-wide.
- c. A state university granted an out-of-state fee waiver under this subsection must be considered a nonresident student for purposes of calculating the system-wide total enrollment of nonresident students as limited by regulation of the Board of Governors. In addition, a student who is granted an out-of-state fee waiver under this subsection is not eligible for state financial aid under part III of this chapter and must not be reported as a resident for tuition purposes.
- d. A state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center shall, within the nonresident student enrollment system-wide, prioritize the enrollment of a veteran who is granted an out-of-state fee waiver pursuant to the Congressman C.W. Bill Young Tuition Waiver Act over a student who is granted an out-of-state fee waiver under this subsections."

2. Do institutions still have to conduct a residency for tuition purposes review if a student applies within 24 months from graduation and transcripts show

three consecutive years of attendance at a Florida high school with immediate graduation?

- a. Yes. The new language provides for an out-of-state fee waiver if the student meets the eligibility requirements. In order to determine if a student is eligible for a waiver of the out-of-state fee, a university must undertake a residency review to determine if the student is a nonresident.

Undocumented students are currently classified as nonresidents due to their lack of legal status under federal immigration law, even if they physically reside in Florida. The new language does not authorize the student to be classified as an in-state resident for tuition purposes, but simply provides for a waiver of the out-of-state fee.

3. Must institutions award the fee waiver?

- a. Yes. The statute is phrased such that it creates a mandatory waiver for any student who requests the waiver and is eligible.

4. Do we need to scan out-of-state residency decisions from previous years to determine if students are eligible for the waiver?

- a. No; however, you should review a request if a student meeting the requirements (i.e., 3 consecutive years FL high school, graduation, and within 24 months) approaches your office.

5. Are students enrolled in private schools who meet the three years of high school attendance and graduation standards eligible for the waiver?

- a. Yes, as long as they meet the other statutory requirements. The statute reads "Florida high school" and not "Florida public high school."

6. Could a student whose parents live in another state be eligible?

- a. Yes, as long as the student meets the stated requirements.

7. Will data be collected on this waiver?

- a. Yes, in order to meet the following statutory requirement: "*By October 1 of each year, the Board of Governors for the state universities...shall annually report for the previous academic year the percentage of resident and nonresident students enrolled system wide.*"