



**SPLC**  
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# Frequently Asked Questions

## *Florida Residency Declaration for Tuition Purposes*

### **What is Florida Residency Declaration for Tuition Purposes?**

"[Florida Residency Declaration for Tuition Purposes](#)" is a form that students attending a Florida institution of higher education must complete in order to determine if they qualify for in-state tuition.

Recently, the Florida legislature implemented significant changes that extended in-state tuition to all Florida high school graduates, including qualifying undocumented students, Deferred Action for Childhood Arrivals (DACA) students, students with undocumented parents, lawful permanent resident students, and certain non-U.S. citizen students. All state laws are referenced throughout this document.



### **What is the difference between in-state tuition and out-of-state tuition?**

In-state tuition is the price per credit hour charged to students who have resided in Florida and/or have met other residency requirements. Out-of-state tuition is the price per credit hour charged to students who are not deemed Florida residents and/or have not met other residency requirements. In-state tuition is typically much lower than out-of-state tuition.

### **What schools can I attend to benefit from the in-state tuition laws?**

Students will be classified as residents or non-residents for tuition purposes at postsecondary educational programs offered by Florida public higher education institutions including a [state university](#), a [Florida College System institution](#), a charter technical career center,<sup>1</sup> or [career center operated by a school district](#).<sup>2</sup> For a complete list of these institutions, follow the links.

## **UNDOCUMENTED & DACA STUDENTS**

### **What are the eligibility requirements to qualify for in-state tuition as an undocumented or DACA student?**

Students who are undocumented or have DACA status qualify for in-state tuition through the use of out-of-state fee waivers.<sup>3</sup> An out-of-state fee waiver allows nonresident students to pay in-state tuition rates. To qualify for this waiver, a student must:

- Have attended a Florida secondary school (high school) for three consecutive years immediately prior to graduation
- Apply for admission to an institution of higher education within 24 months of high school graduation; and
- Submit an official Florida high school transcript(s) as evidence of attendance and graduation

In addition, upon admission to a Florida public higher education institution, students must:

- Submit a completed out-of-state/non-resident fee waiver form, which can be located on the institutions webpage

### **Will the out-of-state/non-resident fee waiver classify me as an in-state student?**

No. Even with this waiver, you are considered an out-of-state/non-resident student, but permitted to pay in-state tuition and fee prices.

<sup>1</sup> First Coast Technical College (FCTC) and Lake Technical College (LTC) as of 2015-2016

<sup>2</sup> Per § 1009.21

<sup>3</sup> Per House Bill 851 amended section (s.)1009.26 (12)(a), Florida statutes, fee waivers

**Am I eligible for financial aid?**

Students using the fee waiver are **NOT** eligible for state or federal financial aid.<sup>4</sup> This includes the Florida Bright Futures program. However, a student *may* be eligible for private scholarships or school-specific aid. For this reason, the Florida Department of Education encourages every student to complete the Free Application for Federal Student Aid (FAFSA).

**What qualifies as a secondary school for eligibility requirements for the fee waiver?**

Currently, the law only includes Florida high schools, both public and private. Therefore, students with a virtual school diploma, homeschool diploma, or G.E.D. will not qualify for the waiver.

**If I graduated from high school more than 24 months ago, am I eligible to be granted in-state tuition rates?**

Currently, the law states that you must have at least *applied* for admission to a qualifying higher education institution within 24 months of graduation from a Florida high school. If you did not enroll in or attend a qualifying higher education institution within that time frame, but at least applied before 24 months passed, you should still qualify for the tuition waiver. You may be asked to provide proof of application. However, if you did not apply and more than 24 months have passed, you will not be eligible for the out-of-state tuition fee waiver.

**Which portion of the Florida Residency Declaration for Tuition Purposes form should I complete as an undocumented/DACA student?**

Please see the “How To” guide for detailed instruction on how to complete the Florida Residency Declaration for Tuition Purposes form.

**I am currently an enrolled student and paying out-of-state tuition rates. Am I eligible to be reclassified to pay in-state tuition rates?**

Yes. You are eligible to be reclassified to pay in-state tuition rates. The change in tuition will be applied to the start of the next school term. You are not entitled to a refund for the out-of-state rates you paid during previous terms. Please contact your individual school’s Registrar’s office to obtain the fee waiver and apply for reclassification.

**Once I’ve established eligibility for the fee waiver, do I have to reestablish eligibility every year?**

Verification of eligibility for an out-of-state tuition waiver is only required during the term of initial enrollment or initial reclassification. However, a student who transfers to another Florida public postsecondary institution may be required to provide an official high school transcript for re-verification if inconsistent information suggests that an error 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.

**If I am applying for, or enrolled in a graduate program, am I eligible to apply for this waiver?**

No. Currently, the statute only applies to students in undergraduate programs.

**Is there an appeal/grievance process if the school denies me in-state tuition rates?**

Yes. All institutions must provide a residency appeal process, which should be in writing and prominently displayed on the institution’s website.<sup>5</sup>

**CITIZENS WITH UNDOCUMENTED PARENTS****I am a U.S. citizen, however I am a “dependent” of my parent(s), who is (are) undocumented. Do I qualify for in-state tuition rates?**

Yes. All U.S. citizen students who are also Florida residents qualify as in-state students and therefore Florida residents for tuition purposes.<sup>6</sup> If you can prove Florida residency and are a U.S. citizen, you

4 Per §1009.26(12)(c) and federal financial aid laws

5 Per Administrative Codes 6A-10.044 and 72-1.001

6 Per §1009.21 (2)(d), “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 parent.”

are also eligible to receive state and federal financial aid. Please see the Florida Residency Declaration for Tuition Purposes form to review the appropriate verification documentation that you and/or your parent(s) would need to provide.

**Which portion of the Florida Residency Declaration for Tuition Purposes form should I complete as a citizen with undocumented parents?**

Please see the “How To” guide for detailed instruction on how to complete the Florida Residency Declaration for Tuition Purposes form.

**LAWFUL PERMANENT RESIDENT & CERTAIN NON-U.S. CITIZEN STUDENTS**

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 are eligible to establish Florida residency for tuition purposes.

**What are lawful permanent residents and qualifying non-U.S. citizens?**

To view a complete list of all eligible aliens and the required documentation(s) needed for proof, please view Appendix C, starting on page 28, of “[Guidelines on Florida Residency for Tuition Purposes.](#)” Applicable categories include:

- Citizen, Permanent Resident, Parolee, Asylee, Refugee, Conditional Permanent Resident, Visa Category A, Visa Category E, Visa Category G, Visa Category H-1B, H-1C, Visa Category I, Visa Category K, Visa Category L, Visa Category N, Visa Category O-1, Visa Category-R, Visa Category S, Visa Category T, Visa Category U, Visa Category V, Visa Category NATO-1,2,3,4,5,6,7, Citizens of Micronesia, Citizens of the Marshall Islands, Withholding of Deportation, Applicants for Adjustment of Status, Applications for Asylum, Cuban-Haitian Entrant Category 1, Cuban-Haitian Entrant Category Two, Cuban-Haitian Entrant Category three, Cuban-Haitian Entrant Category four, Other qualified aliens under 8 U.S.C. § 1621.

**Am I eligible for Florida residency for tuition purposes?**

If you fall within one of the aforementioned categories, you are eligible for Florida residency for tuition purposes. However, you must be able to provide the specific requested proofs of legal status as issued by the U.S. Citizenship and Immigration Services to qualify.<sup>7</sup>

**Am I eligible for financial aid?**

You are eligible for state financial aid. Most of the categories above are also eligible for federal financial aid. Please visit [www.studentaid.ed.gov](http://www.studentaid.ed.gov) for a complete list of qualifying non-U.S. citizens who can receive federal aid.

**Which portion of the Florida Residency Declaration for Tuition Purposes form should I complete as a lawful permanent resident or certain non-U.S. citizen?**

Please see the “How To” guide for detailed instruction on how to complete the Florida Residency Declaration for Tuition Purposes form.

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<sup>7</sup> Per Administrative Codes 6A-10.044 & 72-1.001.

**Please note that this document is only intended to serve as a guide.  
The information is subject to change and does not constitute legal advice.**

**We encourage students to contact their school with specific questions.  
Additional information can be obtained by contacting**

**SOUTHERN POVERTY LAW CENTER**

**[www.splcenter.org/contact-us](http://www.splcenter.org/contact-us)**

**877-751-6183**

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**888-600-5762**

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