

## FREQUENTLY ASKED QUESTIONS

# Florida House Bill 851 (H.B. 851)

### **What is H.B. 851?**

H.B. 851, passed during the 2014 legislative session, is a law that, in part, gives students who attended a Florida secondary school for three consecutive years before graduation—regardless of immigration status—the opportunity to pursue higher education at in-state tuition rates, should they apply for admission within 24 months after graduation. Previously, certain Florida students were required to pay out-of-state rates to attend Florida’s colleges and universities due to their immigration status.

### **Who is affected by H.B. 851?**

Primarily Florida students who are immigrants, including undocumented immigrants.

### **As an immigrant, do I have to use the new process to qualify for in-state tuition rates?**

Not necessarily. Many immigrants already qualify for in-state rates if they reside in Florida. Please contact your individual school’s admissions office for more information.

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

In-state tuition is the rate charged to students who reside in Florida. Out-of-state tuition, which is as much as two or three times higher, is the rate charged to students who reside in other states.

### **What are the eligibility requirements to qualify for in-state tuition rates under H.B. 851?**

A student must:

- (a) have attended a secondary school in Florida for three consecutive years immediately before graduating from a Florida high school;
- (b) apply for enrollment in an institution of higher education within 24 months after high school graduation; and
- (c) submit an official Florida high school transcript as evidence of attendance and graduation.

### **How soon can I start taking advantage of H.B. 851?**

H.B. 851 goes into effect on July 1, 2014.

### **What Florida schools can I attend?**

H.B. 851 applies to all public higher education institutions in Florida, including state universities, community colleges, certain career centers, and certain charter technical career centers. These schools are run by two different state agencies: The Florida Board of Governors runs the 12 state universities, while the Florida Department of Education runs the 28 state and community colleges through the Florida College System. H.B. 851 applies to schools run by both agencies, though each agency will have separate regulations explaining how it is to be implemented.

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\* H.B. 851 also addresses other tuition-related issues which are not discussed in this FAQ, including in-state tuition eligibility for veterans, U.S. citizen residents with undocumented parents, and nonresidents who marry Florida residents.

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

It is unclear whether you will be eligible. Although H.B. 851 does not take effect until July 1, 2014, if you applied for enrollment in a college or university within 24 months of your graduation, you may still qualify. You should contact your individual school's admissions office as soon as possible to apply and/or inquire further.

**What is a secondary school for purposes of H.B. 851? Will other types of schooling, such as Florida Virtual School, homeschooling, or G.E.D. programs qualify?**

H.B. 851 does not define secondary school, but Florida Statute 1003.413 defines secondary schools as "schools that primarily serve students in grades 6 through 12." It is unclear whether other types of schooling would allow a student to qualify. The law requires that a student attend school for three consecutive years and provide an official high school transcript. Florida Virtual School or a homeschool program, which are both recognized by the state and regulated by the Department of Education, may qualify. At this time, it is unclear if a student with a G.E.D. certification can apply. Students in these situations should contact their individual school's admissions office for more information.

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

You are still eligible for in-state tuition rates, but you will not be reclassified. H.B. 851 treats qualifying students as nonresident students but allows them to be eligible for an out-of-state fee waiver, making them eligible for the in-state rate. You must contact your individual school's admissions office to obtain information on the waiver.

**What is an out-of-state fee waiver?**

It is a waiver given to nonresident students that reduces the out-of-state tuition rate to in-state rates.

**Are there any restrictions that might limit the number of out-of-state fee waivers available to students that qualify under H.B. 851?**

There are a few restrictions. Under the Florida Board of Governors' regulations, the number of nonresident students cannot exceed 10% of the system-wide student body. If the number of nonresident students, which includes those who qualify under H.B. 851, exceeds 10%, then even students who qualify for in-state rates may still be required to pay the nonresident rate. Additionally, H.B. 851 requires that veterans who are eligible for out-of-state fee waivers receive preference over other eligible students. Nonresident veterans will also be considered part of the 10% limit and will be prioritized over other students who qualify under H.B. 851.

**Once I've established eligibility for H.B. 851, do I have to reestablish eligibility every year?**

At this time, it is unclear whether colleges and universities will request proof on a yearly basis. Until further guidance is issued, you should maintain documentation of your eligibility until you finish your post-secondary program.

**Does eligibility for in-state tuition rates make me eligible for state financial aid such as the Bright Futures scholarship program?**

No, eligibility under H.B. 851 does not make you eligible for state financial support. You may be eligible for private scholarships, however. Please contact your school's financial aid office for more information.

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

At this time, no procedures have been established regarding appeals or grievances. You should contact your individual school for additional information on appealing a denial.

*Please note that this document is intended to serve as a guide and is based on a reading of the statute as enacted. Regulations are expected to be released shortly and may clarify some of the questions raised. The information contained in this document is subject to change.*

We encourage students to contact their school's admissions or financial aid offices for more specific questions. Additional information can be obtained by contacting [info@floridaimmigrant.org](mailto:info@floridaimmigrant.org) or by visiting [splcenter.org/contact-us](http://splcenter.org/contact-us) or by calling 786-347-2056.