

Florida's Postsecondary Out-Of-State Fee Waivers for Undocumented Students, Explained



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In December, Florida State Senator Randy Fine filed Senate Bill 90, which would repeal a ten-year-old Florida law (House Bill 851, 2014) that waives out-of-state fees for some undocumented students attending public and charter postsecondary institutions. Senate President Ben Albritton has stated he would like to gradually phase out the law. Florida Governor Ron DeSantis also supports eliminating the out-of-state fee waiver. Recently, Senator Fine filed Senate Bill 244, which included the waiver elimination and additionally prohibits certain higher education institutions from accepting an application from or admitting an undocumented student.

This paper sets out to explain Florida's postsecondary out-of-state fee waiver and how it impacts students and the state.

What is the difference between in-state and out-of-state tuition and fees at Florida's institutions of higher learning?

Florida, like other states, offers a discounted tuition rate for students who are state residents. States provide this tuition subsidy for a number of reasons, for example, out of recognition that residents are already helping to support state schools through their tax dollars.ⁱ In-state tuition also helps to incentivize high-performing students to stay in-state, complete their degrees here, secure a job, and contribute to Florida's economy.

Students who are Florida residents pay much less for college tuition at Florida's public higher education institutions than students from out of state, a savings of thousands of dollars per year. For example, tuition for Florida residents attending the University of Florida full-time for the 2024-2025 school year is \$6,381, compared to \$28,658 for students from out of state.ⁱⁱ

What is the postsecondary out-of-state fee waiver?

House Bill 851ⁱⁱⁱ, which was sponsored by then-Representative (now Lt. Governor) Jeanette Nuñez, passed the Florida Legislature and was signed into law by then-Governor Rick Scott in 2014. Under the bill, public postsecondary institutions—including state universities, Florida College System institutions, career centers operated by school districts, and charter technical centers—are required to waive out-of-state fees for some students, even if they are undocumented for federal immigration purposes.

Only students who meet the following narrow requirements qualify for this fee waiver:

- (1) Attend a secondary school in Florida for three consecutive years immediately before graduating from a Florida high school.
- (2) Apply for enrollment at a higher education institution within 24 months of high school graduation.
- (3) Submit an official Florida high school transcript to prove their attendance and graduation.

Students who qualify for the out-of-state fee waiver pay the same tuition as in-state students. For example, the year the law was enacted, a student who qualified for the fee waiver was estimated to save an average of \$15,278 at state public universities, \$6,438 at state colleges, and \$4,194 at career centers.^{iv}

Qualifying students can receive the out-of-state fee waiver for up to 110 percent of the required credit hours needed to complete their field of study. Such students, however, are not considered Florida residents and are not eligible for state financial aid.

Why are youth of undocumented status not considered Florida residents if they have lived in the state for a long time?

To qualify for in-state tuition, a student must be a Florida resident as defined by state law.^v To be considered a Florida resident for tuition purposes, a student must establish and maintain legal residency in Florida for at least 12 months before the first day of classes and be a U.S. citizen, a permanent resident alien, or have a nonimmigrant visa that allows the student to establish legal domicile in the state. So even if an undocumented student was brought to the U.S. as a child and has lived in Florida for most of their life, they are not recognized as a Florida resident for tuition purposes.

Do other states offer fee waivers for undocumented students?

Yes. Currently, 25 states – including all states on the land border with Mexico – as well as the District of Columbia have some version of an out-of-state tuition waiver for undocumented students.^{vi} Texas was the first state to enact a tuition waiver in 2001.^{vii}

What is the rationale in favor of out-of-state fee waivers for undocumented students?

Proponents of Florida's out-of-state fee waivers say, as a matter of fairness, children brought into the country through no fault of their own should have access to affordable higher education. As former Florida Governor Jeb Bush stated in 2006, "Someone who's been living here for almost all their lives, going through their education here and doing exactly what we ask them to do, there should not be a barrier to their entry to college."^{viii}

Proponents also assert that such out-of-state fee waivers are good for Florida's economy and help to build the state's talent pool. Research published after the fee waiver became law supports this argument. For example, Florida Tax Watch estimates that every dollar invested in Florida College System institutions reaps a return of \$10.80 to \$15.42 in benefits to the economy.^{ix} A recent report by the Helios Education Foundation found that expanding college enrollment in Florida by 10% would generate \$8.38 billion annually for the state.^x Less recently, the Florida Chamber of Commerce in 2017 noted that immigrants have made positive contributions to Florida's economic growth and that 82 percent of Florida voters support allowing young immigrants under the Deferred Action for Childhood Arrivals (DACA) program to remain in the United States.^{xi}

What are estimated fiscal costs and benefits of current policy?

Florida Governor Ron DeSantis had previously urged legislators to repeal the fee waiver because it confers benefits to students not legally in the country.^{xii} Senator Randy Fine, sponsor of SB 90 and current candidate for Congress, says that the bill would save the state millions, freeing resources for Floridians in need.^{xiii} According to a press release from Senator Fine, "[i]n 2021, the State of Florida reported the subsidy cost taxpayers \$45 million."^{xiv} While non-resident tuition forgone is not a hard cash cost to Florida taxpayers and therefore not a potential tax savings or reappropriation for other state needs, we note that the most recent data related to out-of-state fee waivers for undocumented students reports \$20.6 million from Florida College System (FCS) institutions^{xv} and \$20 million from State University System (SUS) institutions.^{xvi} These particular fee waivers, combined, account for 6.1% of the \$669 million in total tuition exemptions and waivers approved by FCS and SUS institutions in the most recent reporting year.

A recent report by the Institute on Taxation and Federal Policy (ITEP) found that, in 2022 alone, undocumented immigrants in Florida contributed more than \$1.8 billion in state and local taxes.^{xvii} Florida is one of six states that raised over one billion dollars in tax revenues from undocumented immigrants that year. A 2018 ITEP report found that young undocumented immigrants enrolled in or immediately eligible for the Deferred Action for Childhood Arrivals (DACA) program contributed an estimated \$77.5 million in state and local taxes annually.^{xviii}

Online version of this paper includes hyperlinked resources.





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Florida College Access Network (FCAN) is Florida's collaborative network committed to ensuring all Floridians have the opportunity to achieve an education beyond high school and a rewarding career. We envision a Florida working together where education is the pathway to economic mobility for all.

FCAN strives to expand knowledge of research, data, policies, and practices that impact postsecondary access and attainment in Florida. For more information, visit www.floridacollegeaccess.org.

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