



Postsecondary Tuition & Fee Policy -- Florida College System

What fees are assessed for enrollment in postsecondary instruction at a Florida College System institution?

A student who enrolls in a college credit course,¹ a college-preparatory course, or an educator preparation institute (EPI) program at an institution in the Florida College System (FCS) is assessed tuition and other fees, unless the student is eligible for an exemption or a waiver.² The term “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”³ If the student is not classified as a resident for tuition purposes, he or she must pay an out-of-state fee in addition to tuition.⁴ Both tuition and the out-of-state fee are assessed on a per credit hour basis.⁵

Other per credit hour fees that may be assessed by FCS institutions are: a capital improvement fee, a financial aid fee, an activity and service fee, a technology fee, and, if the course is listed in the Florida Higher Education Distance Learning Catalog, a distance learning course user fee.⁶

Finally, students may be assessed certain user fees and fines.⁷

How are the amounts for tuition and the out-of-state fee established?

Lower-Division Programs. For instruction at FCS institutions beginning with the Fall 2010 semester, proviso in the 2010-11 General Appropriations Act (GAA) establishes the standard tuition for lower-division college credit courses, non-college credit college-preparatory courses, and EPI programs at \$63.48 per credit hour. Further, proviso specifies for nonresidents that the additional out-of-state fee is \$190.57 per credit hour, which results in a nonresident total amount per credit hour of \$254.05.⁸

¹ College credit programs include Associate in Arts and baccalaureate degree programs, as well as workforce education programs in which college credit is awarded such as Associate in Science and Associate in Applied Science degree programs and postsecondary vocational (PSV) certificate programs. Section 1004.02(14), F.S.; see s. 1009.22(1), F.S. (specifying that student fees for workforce education programs are governed by that section, except for college credit fees which are governed by s. 1009.23, F.S.); see also Workforce Education Fact Sheet. Tuition and fees that may be assessed by FCS institutions for non-college credit workforce education programs are addressed separately in the Tuition & Fee Policy – Workforce Education Fact Sheet.

² Sections 1009.23(1) and (2)(a), 1009.25, and 1009.26, F.S.

³ Section 1009.01(1), F.S.

⁴ Sections 1009.01(2) and 1009.23(3), F.S.; specific appropriation 112, s. 2, ch. 2010-152, L.O.F.

⁵ *Id.*

⁶ Section 1009.23 (7), (8), (10), (11), and (16), F.S.

⁷ Section 1009.23(12), F.S.

⁸ Specific Appropriation 112, s. 2, ch. 2010-152, L.O.F.

The standard tuition and out-of-state fee per credit hour amounts established by law are base rates. The actual per credit hour amounts applicable at each FCS institution vary, as those are determined by the institution's board of trustees (BOT) subject to the following limitation: the amount per credit hour established by the board of trustees may vary no more than 10 percent below or 15 percent above the standard tuition amount and out-of-state fee established by law. Thus, for the 2010-11 academic year, tuition per credit hour may range from \$57.13 (10 percent below) to \$73.00 (15 percent above) and the out-of-state fee per credit hour may range from \$171.51 (10 percent below) to \$219.16 (15 percent above).⁹ Data from the Department of Education (DOE) for the 2010-11 academic year indicate that tuition charged by FCS institutions ranges from \$66.10 to \$73.00 per credit hour and the out-of-state fee charged ranges from \$171.51 to \$219.16 per credit hour.¹⁰

Upper-Division Programs. For upper-division courses, which are only offered in baccalaureate degree programs, proviso in the 2010-11 GAA establishes standard tuition at \$80.94 per credit hour beginning with the Fall 2010 semester.¹¹ The nonresident out-of-state fee per credit hour for upper-division instruction is determined by the BOT for each FCS institution subject to the following limitation: the sum of tuition and the out-of-state fee may not exceed 85 percent of the sum of tuition and the out-of-state fee at the state university located nearest to the FCS institution.¹² Data from the DOE for the 2010-11 academic year indicate that the out-of-state fee charged by FCS institutions ranges from \$230.00 to \$491.62 per credit hour.¹³

Provisions Applicable to Lower- and Upper-Division Programs. If the GAA does not specify a base rate for tuition or the out-of-state fee or both in lower-division programs or for tuition in upper-division programs, statute requires those amounts to be determined by increasing specified base rates, effective on January 1, 2008, by an amount equal to inflation. The base rate specified for: (a) tuition in lower-division programs is \$51.35 per credit hour; (b) the out-of-state fee in lower-division programs is \$154.14 per credit hour; and (c) tuition in upper-division programs is \$65.47 per credit hour. The rate of inflation means the rate of the 12-month percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, or its successor for December of the prior year. If the percentage change is negative, tuition and the out-of-state fee per credit hour are to remain at the same levels as the prior fiscal year.¹⁴

With regard to tuition and the out-of-state fee for nonresidents, statute provides that: (a) the sum of tuition and the out-of-state fee must be sufficient to defray the full cost of each program, unless otherwise specified by law; and (b) a BOT for a FCS institution with a service area that borders another state may implement a plan for a differential out-of-state fee.¹⁵

⁹ Section 1009.23(4), F.S.

¹⁰ Email, Florida Department of Education, Division of Florida Colleges (Nov. 10, 2010).

¹¹ Specific Appropriation 112, s. 2, ch. 2010-152, L.O.F.

¹² Section 1009.23(3)(b)2., F.S.

¹³ Email, Florida Department of Education, Division of Florida Colleges (Nov. 10, 2010).

¹⁴ Section 1009.23(3), F.S.

¹⁵ Section 1009.23(5) and (6), F.S.

What other per credit hour fees may be assessed by a Florida College System institution?

Other fees that may be assessed on a per-credit hour basis when authorized by a FCS institution's BOT are: a capital improvement fee, a financial aid fee, an activity and service fee, a technology fee, and, if the course is listed in the Florida Higher Education Distance Learning Catalog, a distance learning course user fee.¹⁶ Each fee is discussed below.

Capital Improvement Fee. The amount of this fee may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. Further for resident students, the fee may not be increased by more than \$2.00 per credit hour over the prior year. Revenues from the fee may be bonded, subject to specified statutory requirements, and expended only for purposes of constructing and equipping, maintaining, renovating, or remodeling educational facilities.¹⁷

Data from the DOE for the 2010-11 academic year indicate that each of the 28 FCS institutions assess a capital improvement fee in amounts that range from:

- ❖ \$5.00 to \$7.30 per credit hour for residents and \$5.00 to \$29.22 per credit hour for nonresidents in non-baccalaureate degree programs.
- ❖ \$2.55 to \$8.09 per credit hour for residents and \$2.55 to \$51.25 per credit hour for nonresidents in baccalaureate degree programs.¹⁸

Financial Aid Fee. The amount of this fee may not exceed five percent of the “total tuition or out-of-state fees collected,” unless the total revenue generated by the fee is less than \$500,000 in which case the institution may collect an additional two percent.¹⁹ Revenues from the fee must be deposited in the institution's loan and endowment fund or scholarship fund. Up to 40 percent of the fees collected in a fiscal year may be carried forward to the following year.²⁰

Revenues from the fee must be used to provide students with financial aid. Up to 25 percent of the revenues collected or \$600,000, whichever is greater, may be used to assist students who: demonstrate academic merit; participate in athletics, public service, cultural arts, or other extracurricular programs; or are identified as members of a targeted gender or ethnic minority population. Of the balance in the fund available for new awards, at least 75 percent must be awarded based on absolute need and the remainder used to recognize academic merit and other purposes approved by the BOT.²¹ Financial aid fee revenues may not be used for direct or indirect administrative purposes or salaries.²²

Data from the DOE for the 2010-11 academic year indicate that each of the 28 FCS institutions assess a financial aid fee in amounts that range from:

- ❖ \$3.00 to \$5.00 per credit hour for residents and \$3.13 to \$19.55 per credit hour for nonresidents in non-baccalaureate degree programs.

¹⁶ Section 1009.23 (7), (8), (10), (11), and (16), F.S.

¹⁷ Section 1009.23(11), F.S.

¹⁸ Email, Florida Department of Education, Division of Florida Colleges (Nov. 10, 2010).

¹⁹ Section 1009.23(8)(a), F.S.

²⁰ Section 1009.23(8)(b), F.S.

²¹ Section 1009.23(8)(c), F.S.

²² Section 1009.23(8)(d), F.S.

- ❖ \$3.95 to \$5.06 per credit hour for residents and \$4.05 to \$25.21 per credit hour for nonresidents in baccalaureate degree programs.²³

Activity and Service Fee. The amount of this fee may not exceed 10 percent of the amount charged for tuition. Proceeds from the fee must be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations.²⁴ Data from the DOE for the 2010-11 academic year indicate that each of the 28 FCS institutions assess an activity and service fee in amounts that range from \$1.04 to \$7.30 per credit hour for non-baccalaureate degree program students and \$1.21 to \$8.09 per credit hour for baccalaureate degree program students.²⁵

Technology Fee. The amount of this fee may not exceed five percent of tuition per credit hour for resident students and five percent of tuition and the out-of-state fee per credit hour for nonresident students. Revenues from the fee must be used to enhance instructional technology resources for students and faculty. Up to 50 percent of the fee revenues may be pledged as a dedicated source for the repayment of debt. Fee revenues may not be bonded.²⁶

Data from the DOE for the 2010-11 academic year indicate that each of the 28 FCS institutions assess a financial aid fee in amounts that range from:

- ❖ \$1.80 to \$3.65 per credit hour for residents and \$2.00 to \$14.61 per credit hour for nonresidents in non-baccalaureate degree programs.
- ❖ \$2.00 to \$4.05 per credit hour for residents and \$2.00 to \$25.29 per credit hour for nonresidents in baccalaureate degree programs.²⁷

Distance Learning Course User Fee. This fee may be charged to students who enroll in a distance learning course listed in the Florida Higher Education Distance Learning Catalog. A distance learning course is a course in which at least 80 percent of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time or space, or both. The amount of the fee “may not exceed the additional costs of the services provided which are attributable to the development and delivery of the distance learning course.”²⁸ According to a survey conducted by the Florida Distance Learning Consortium in April 2010, distance learning course user fees assessed by FCS institutions for courses listed in the Catalog ranged from \$0 to \$35 per credit hour.²⁹

What user fees and fines may be assessed by a Florida College System institution?

The BOT for each FCS institution is authorized to establish fee schedules for the following user fees and fines: laboratory fees, which do not apply to a distance learning course; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees;

²³ Email, Florida Department of Education, Division of Florida Colleges (Nov. 10, 2010).

²⁴ Section 1009.23(7), F.S.

²⁵ Email, Florida Department of Education, Division of Florida Colleges (Nov. 10, 2010).

²⁶ Section 1009.23(10), F.S.

²⁷ Email, Florida Department of Education, Division of Florida Colleges (Nov. 10, 2010).

²⁸ Sections 1009.23(16), F.S.

²⁹ Email, Florida Distance Learning Consortium (June 2, 2010).

standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees relating to registration and payment. The user fees and fines may not exceed the cost of the services provided and may only be charged to persons receiving the service.³⁰

Additionally, a BOT for a FCS institution may authorize the assessment of a service charge for the payment of tuition and fees in installments and a convenience fee for the processing of automated or online credit card payments. The amount of the convenience fee may not exceed the total cost charged by the credit card company to the FCS institution.³¹

How is residency determined for purposes of tuition?

Except as discussed in the question below, a student or if the student is a dependent child,³² the student's parent,³³ in order to qualify as a resident for tuition purposes, must have established legal residence in Florida and maintained such residence for at least 12 months prior to the student's enrollment in an institution of higher education. Residence during the 12-month qualifying period must have been "for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education."³⁴

Evidence of legal residency must be established by "clear and convincing documentation," which requires the submission of at least two documents, one or more of which must be:

- ❖ A Florida voter's registration card;
- ❖ A Florida driver's license;
- ❖ A Florida identification card;
- ❖ A Florida vehicle registration;
- ❖ Proof of a permanent home occupied by the student or the student's parent if the student is dependent;
- ❖ Proof of a homestead exemption in Florida;
- ❖ Transcripts from a Florida high school for multiple years if the student's high school diploma or GED was earned within the previous 12 months; or
- ❖ Proof of permanent full-time employment in Florida for at least 30 hours per week.³⁵

Additionally, the documents may include:

³⁰ Section 1009.23(12)(a), F.S.

³¹ Section 1009.23(15), F.S.

³² A "dependent child" is a person, whether or not living with his or her parents, who is eligible to be claimed by his or her parents as a dependent under the federal Income Tax Code. If a dependent child's parents are divorced, separated, or otherwise living apart, the child shall be deemed a legal resident of Florida if either parent is a legal resident of Florida notwithstanding which parent claims the child as a dependent for federal income tax purposes. Section 1009.21(1)(a) and (2)(c), F.S.

³³ The legal residence of a dependent child's parents is considered prima facie evidence of the child's legal residence, except when the child's parents live out-of-state and the child has lived in Florida for five consecutive years immediately prior to enrolling or reregistering in the institution. Prima facie evidence of parental residence may be rebutted by other evidence of legal residence presented by the child. Section 1009.21(4), F.S. Further, statute provides that a dependent child shall qualify as a legal resident of Florida if he or she has continuously lived with an adult non-parent relative who is a legal resident of Florida for five years prior to initial enrollment and the relative exercised day-to-day care, supervision, and control of the child during the five-year period. Section 1009.21(2)(b), F.S.

³⁴ Section 1009.21(2)(a), F.S.

³⁵ Section 1009.21(3)(b) and (c), F.S.; see rule 6A-10.044(1) and (3), F.A.C.

- ❖ A declaration of domicile in Florida.
- ❖ A Florida professional or occupational license.
- ❖ Florida incorporation.
- ❖ A document evidencing family ties in Florida.
- ❖ Proof of membership in a Florida-based charitable or professional organization.
- ❖ Any other documentation that supports the student's request for resident status, including but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.³⁶

A student who is initially classified as a nonresident for tuition purposes may subsequently become eligible for reclassification as a resident if the student or the student's parent, as applicable, "presents clear and convincing documentation that supports permanent legal residency in this state for at least 12 consecutive months rather than temporary residency for the purpose of pursuing an education, such as documentation of full-time permanent employment for the prior 12 months or the purchase of a home in this state and residence therein for the prior 12 months while not enrolled in an institution of higher education."³⁷ State Board of Education rule specifies that no less than three of the documents discussed above must be presented in order to convincingly demonstrate residency for purposes of reclassification.³⁸

The determination of whether a student or the student's parent has clearly and convincingly established residency is the responsibility of the public postsecondary institution in which the student enrolls.³⁹ The burden of presenting clear and convincing documentation of residency rests with the student or parent.⁴⁰ Each public postsecondary institution must establish a residency appeals committee comprised of at least three members to consider appeals of student residency determinations. The committee must enter final residency determinations including the reasoning therefore in writing.⁴¹ The committee's determination is subject to judicial review.⁴²

Students should consult with their public postsecondary institutions to obtain additional information regarding residency. Other conditions may apply depending on a student's citizenship, dependency, marital, military, employment, or school transfer status.⁴³

Are there other categories of students who are classified as residents for tuition purposes?

Yes. The following persons are classified as residents for tuition purposes:

³⁶ Section 1009.21(3)(c)2., F.S.; see rule 6A-10.044(1) and (3), F.A.C.

³⁷ Section 1009.21(6)(a), F.S.

³⁸ Rule 6A-10.044(2), F.A.C.

³⁹ Section 1009.21(3)(c), F.S.

⁴⁰ Rule 6A-10.044(3), F.A.C.

⁴¹ Section 1009.21(12), F.A.C.

⁴² See, e.g., *Hallendy v. Florida Atlantic University*, 16 So.3d 1057 (Fla. 4th DCA 2009)(holding that substantial evidence supported finding that university student's residency in Florida was merely incidental to her enrollment and, thus, student was not entitled to residency reclassification).

⁴³ Section 1009.21(2) and (5) through (11), F.S.; rule 6A-10.044(4), F.A.C.

- ❖ Active duty members of:
 - ◆ The Armed Services who reside or are stationed in this state and their spouses and dependent children.
 - ◆ The Armed Services and their spouses and dependents when they attend an institution in the FCS or State University System (SUS) which is located within 50 miles of the military establishment where they are stationed if the military establishment is in a county contiguous to Florida.
 - ◆ The Canadian military who reside or are stationed in Florida under the North America Air Defense (NORAD) agreement and their spouses and dependent children when they attend an institution in the FCS or SUS located within 50 miles of the military establishment where they are stationed.
 - ◆ A foreign nation's military who are serving as liaison officers and are residing or stationed in this state and their spouses and dependent children when they attend a FCS institution or SUS institution located within 50 miles of the military establishment where they are stationed.
- ❖ Active drilling members of the Florida National Guard.
- ❖ United States (U.S.) citizens living on the Isthmus of Panama who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch and their spouses and dependent children.
- ❖ U.S. citizens living outside the U.S. who are teaching at a Department of Defense Dependent School or in an American International School and enroll in a graduate-level education program that leads to a Florida teaching certificate.
- ❖ Full-time instructional and administrative personnel employed by state public schools and public postsecondary institutions and their spouses and dependent children.
- ❖ Full-time employees of state agencies or political subdivisions of the state when the student fees are paid by the state agency or political subdivision for the purpose of job-related law enforcement or corrections training.
- ❖ Full-time students from Latin America and the Caribbean who receive scholarships from the federal or state government.
- ❖ Southern Regional Education Board's Academic Common Market graduate students who attend institutions in the SUS.
- ❖ McKnight Doctoral Fellows and Finalists who are U.S. citizens.⁴⁴

When are students eligible for a tuition and fee exemption or waiver?

Exemptions. A student is exempt from the payment of tuition and fees, including lab fees, at an institution in the FCS if the student:

- ❖ Is enrolled in a dual enrollment or early admission program or an employment and training program under the welfare transition program;⁴⁵
- ❖ Lacks a fixed, regular, and adequate nighttime residence or resides at night in specified types of shelters;⁴⁶ or
- ❖ Has not yet reached 28 years of age and:

⁴⁴ Section 1009.21(10), F.S.

⁴⁵ Section 1009.25(2)(a) and (e), F.S.

⁴⁶ Section 1009.25(2)(f), F.S.

- ◆ Is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Family Services (DCFS) or in the custody of a relative under the Relative Caregiver Program;
- ◆ Was placed in a guardianship by the court after spending at least six months in the custody of the DCFS while 16 years of age or older; or
- ◆ Was adopted from the DCFS after May 5, 1997.⁴⁷

Additionally, each FCS institution may grant exemptions for fees adopted by the State Board of Education and the institution's BOT to up to 40 full-time equivalent students at the institution⁴⁸ and shall grant exemptions for certain fees for active members of the Florida National Guard who participate in the State Tuition Exemption Program or Educational Dollars for Duty Program.⁴⁹

Waivers. An institution in the FCS:

- ❖ May grant a fee waiver for any fee-nonexempt student, as long as the total value of the fee waivers does not exceed an amount specified annually in the GAA.⁵⁰ For the 2010-11 academic year, the GAA provides that FCS institutions may grant fee waivers for programs funded through Workforce Development Education appropriations for up to eight percent of the fee revenue that would otherwise be collected.⁵¹
- ❖ Shall grant a fee waiver for up to 80 semester hours for the spouse of a state employee who dies as a result of an accident covered by the Workers' Compensation Law.⁵²
- ❖ Shall grant a waiver of educational fees for a certificate, undergraduate, or postgraduate program for the spouse and children of law enforcement and correctional officers and firefighters who are killed in the line of duty and entitled to statutory death benefits. The amount waived may be up to an amount equaling 120 credit hours of tuition and specified fees.⁵³
- ❖ Shall grant a waiver of educational fees for a certificate or undergraduate program for the children of a school district teacher or administrator who is unlawfully killed by a third party act of violence while engaged in the performance of his or her duties. The amount waived may be up to an amount equaling 120 credit hours of tuition and specified fees.⁵⁴
- ❖ Shall grant a waiver for the undergraduate tuition of a person who received a Purple Heart or other combat decoration superior in precedence. The waiver is applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.⁵⁵

⁴⁷ Section 1009.25(2)(c) and (d), F.S.

⁴⁸ Section 1009.25(3), F.S.

⁴⁹ Section 250.10(7) and (8), F.S.; rules 6A-10.045 and 70-2.001, F.A.C.

⁵⁰ Section 1009.26(1), F.S.

⁵¹ Specific Appropriation 112, s. 2, ch. 2010-152, L.O.F.

⁵² Sections 440.16(1)(c) and 1009.26(7), F.S.

⁵³ Sections 112.19(3) and 112.191(3), F.S.

⁵⁴ Section 112.1915(3)(d), F.S.

⁵⁵ Section 1009.26(8), F.S.; *see also* State Tuition Assistance for Decorated Veterans Fact Sheet.

- ❖ Shall grant a waiver of tuition and fees to an individual found by the Department of Legal Affairs to be entitled to compensation under the “Victims of Wrongful Incarceration Compensation Act” for up to 120 hours of instruction.⁵⁶
- ❖ May grant a waiver of tuition and fees for up to six credit hours per term to a classroom teacher who is employed full-time by a school district. The waiver may only be granted on a space-available basis for undergraduate courses that have been approved by the DOE and are related to special education, mathematics, or science.⁵⁷
- ❖ May grant a waiver of the tuition and fees of an exchange student enrolled through the Florida Linkage Institutes Program.⁵⁸
- ❖ Shall grant a waiver of tuition and fees for state employees to enroll for up to 6 credit hours of courses per term on a space-available basis.⁵⁹

Where may I obtain additional information?

Florida Department of Education

Division of Florida Colleges

(850) 245-0407

<http://www.fldoe.org/cc>

Florida House of Representatives

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>

⁵⁶ Section 961.06(1)(b), F.S.

⁵⁷ Section 1009.26(10), F.S.

⁵⁸ Section 288.8175, F.S.

⁵⁹ Section 1009.265, F.S.

