**Technical Assistance for Implementation of Amended s. 1009.26(13-14), Florida Statutes, Active Duty Member & Congressman C. W. “Bill” Young Tuition Waivers**

**Updated July 2021**

1. **Does Section 1009.26(13), Florida Statutes, meet the federal Veterans Access, Choice, and Accountability Act of 2014 (“Choice Act”) as it pertains to the in-state tuition provision – Section 702?**

*Yes. In fact, it provides broader opportunities as there is no timeline for enrollment by the veteran.*

1. **Does this waiver make the veteran or user of education assistance from the United States Department of Veteran Affairs a resident for tuition purpose?**

*No. This waives the out-of-state fee for non-resident veterans or users of education assistance from the United States Department of Veteran Affairs that meet the specified requirement of physical residence in Florida. Without the waiver, except for a limited number of exceptions, persons who come to the state initially are not considered residents for tuition purposes for at least twelve (12) months prior to initial enrollment.*

1. **Is the waiver only to be used for one year and, therefore, the veteran or user of assistance be expected to reclassify as a resident for tuition purposes at year two?**

*No. For users of assistance from the United States Department of Veteran Affairs, the waiver would expire when the eligibility for assistance expires. There is no time limitation on the waiver for veterans.*

1. **Is this option only available for qualified undergraduate students?**

*No. A student eligible for this waiver may be enrolled at any level. For example, the waiver may be utilized as an undergraduate and continue to be used as a graduate student.*

1. **Is there a limit on how many courses may be taken using this waiver?**

*No. However, students should be aware that the excess hours fee per section 1009.286, Florida Statutes, applies.*

1. **Are these students exempt from the excess hours fee per section 1009.286, Florida Statutes?**

*No. They are to be treated as any other student would be in regards to excess hours.*

1. **Would these students be held to the repeated course charge per section 1009.285, Florida Statutes?**

*Yes.*

1. **Does this waiver apply to eligible veterans or users of assistance from the United States Department of Veteran Affairs who are considered transient students or non-degree seeking students?**

*Yes. Transient and non-degree seeking students who meet the eligibility requirements of this waiver should not be charged any out-of-state fee.*

1. **Does this waiver apply to eligible veterans or users of assistance from the United States Department of Veterans Affairs who are enrolled in “market-rate” degree programs?**

*Yes. Where market-rate degree programs require different tuition rates for resident students for tuition purposes and others, the eligible veteran or user of assistance from the United States Department of Veteran Affairs pay the resident rate.*

1. **Does the phrase “users of assistance from the United States Department of Veterans Affairs” apply only to those using VA education benefits?**

*No. It also includes active duty military, veterans, and dependents using VA education benefits and Chapter 31 beneficiaries who are receiving Veterans Readiness and Employment benefits (VR & E).*

1. **Where can I find information concerning Veteran Readiness and Employment: Chapter 31?**

*Information concerning this topic is found at* [*https://benefits.va.gov/BENEFITS/factsheets/serviceconnected/Ch31FactSheet.pdf*](https://benefits.va.gov/BENEFITS/factsheets/serviceconnected/Ch31FactSheet.pdf)

1. **May dependents of eligible users of educational assistance receive the waiver per s. 1009.26(14), Florida Statutes?**

*Yes see* [*38 U.S. Code § 3319*](https://www.law.cornell.edu/uscode/text/38/3319) *for details.*

1. **Is the waiver specified in s. 1009.26(14) only to be used for one year and, therefore, the active duty member or user of assistance be expected to reclassify as a resident for tuition purposes at year two?**

*No. For users of assistance from the United States Department of Veteran Affairs, the waiver would expire when the eligibility for assistance expires. There is no time limitation on the waiver for veterans.*

1. **Are the answers to the other questions above have the same answer except the waiver in question is s. 1009.26(14), Florida Statutes.**

*Yes.*