



416110

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2014	.	
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	.	
	.	

Appropriations Subcommittee on Education (Legg) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (c) through (g) of subsection (3) of
section 1009.22, Florida Statutes, are amended to read:

1009.22 Workforce education postsecondary student fees.—
(3)

(c) Effective July 1, 2014 ~~2011~~, for programs leading to a
career certificate or an applied technology diploma, the



11 standard tuition shall be \$2.33 ~~\$2.22~~ per contact hour for
12 residents and nonresidents and the out-of-state fee shall be
13 \$6.99 ~~\$6.66~~ per contact hour. For adult general education
14 programs, a block tuition of \$45 per half year or \$30 per term
15 shall be assessed for residents and nonresidents, and the out-
16 of-state fee shall be \$135 per half year or \$90 per term. Each
17 district school board and Florida College System institution
18 board of trustees shall adopt policies and procedures for the
19 collection of and accounting for the expenditure of the block
20 tuition. All funds received from the block tuition shall be used
21 only for adult general education programs. Students enrolled in
22 adult general education programs may not be assessed the fees
23 authorized in subsection (5), subsection (6), or subsection (7).

24 ~~(d) Beginning with the 2008-2009 fiscal year and each year~~
25 ~~thereafter, the tuition and the out-of-state fee per contact~~
26 ~~hour shall increase at the beginning of each fall semester at a~~
27 ~~rate equal to inflation, unless otherwise provided in the~~
28 ~~General Appropriations Act. The Office of Economic and~~
29 ~~Demographic Research shall report the rate of inflation to the~~
30 ~~President of the Senate, the Speaker of the House of~~
31 ~~Representatives, the Governor, and the State Board of Education~~
32 ~~each year prior to March 1. For purposes of this paragraph, the~~
33 ~~rate of inflation shall be defined as the rate of the 12-month~~
34 ~~percentage change in the Consumer Price Index for All Urban~~
35 ~~Consumers, U.S. City Average, All Items, or successor reports as~~
36 ~~reported by the United States Department of Labor, Bureau of~~
37 ~~Labor Statistics, or its successor for December of the previous~~
38 ~~year. In the event the percentage change is negative, the~~
39 ~~tuition and out-of-state fee shall remain at the same level as~~



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40 ~~the prior fiscal year.~~

41 ~~(d)(e)~~ Each district school board and each Florida College
42 System institution board of trustees may adopt tuition and out-
43 of-state fees that may vary no more than 5 percent below and 5
44 percent above the combined total of the standard tuition and
45 out-of-state fees established in paragraph (c).

46 ~~(e)(f)~~ The maximum increase in resident tuition for any
47 school district or Florida College System institution during the
48 2007-2008 fiscal year shall be 5 percent over the tuition
49 charged during the 2006-2007 fiscal year.

50 ~~(f)(g)~~ The State Board of Education may adopt, by rule, the
51 definitions and procedures that district school boards and
52 Florida College System institution boards of trustees shall use
53 in the calculation of cost borne by students.

54 Section 2. Subsection (3) of section 1009.23, Florida
55 Statutes, is amended to read:

56 1009.23 Florida College System institution student fees.—

57 (3) (a) Effective July 1, 2014 ~~2011~~, for advanced and
58 professional, postsecondary vocational, developmental education,
59 and educator preparation institute programs, the standard
60 tuition shall be \$71.98 ~~\$68.56~~ per credit hour for residents and
61 nonresidents, and the out-of-state fee shall be \$215.94 ~~\$205.82~~
62 per credit hour.

63 (b) Effective July 1, 2014 ~~2011~~, for baccalaureate degree
64 programs, the following tuition and fee rates shall apply:

65 1. The tuition shall be \$91.79 ~~\$87.42~~ per credit hour for
66 students who are residents for tuition purposes.

67 2. The sum of the tuition and the out-of-state fee per
68 credit hour for students who are nonresidents for tuition



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69 purposes shall be no more than 85 percent of the sum of the
70 tuition and the out-of-state fee at the state university nearest
71 the Florida College System institution.

72 ~~(c) Beginning with the 2008-2009 fiscal year and each year~~
73 ~~thereafter, the tuition and the out-of-state fee shall increase~~
74 ~~at the beginning of each fall semester at a rate equal to~~
75 ~~inflation, unless otherwise provided in the General~~
76 ~~Appropriations Act. The Office of Economic and Demographic~~
77 ~~Research shall report the rate of inflation to the President of~~
78 ~~the Senate, the Speaker of the House of Representatives, the~~
79 ~~Governor, and the State Board of Education each year prior to~~
80 ~~March 1. For purposes of this paragraph, the rate of inflation~~
81 ~~shall be defined as the rate of the 12-month percentage change~~
82 ~~in the Consumer Price Index for All Urban Consumers, U.S. City~~
83 ~~Average, All Items, or successor reports as reported by the~~
84 ~~United States Department of Labor, Bureau of Labor Statistics,~~
85 ~~or its successor for December of the previous year. In the event~~
86 ~~the percentage change is negative, the tuition and the out-of-~~
87 ~~state fee per credit hour shall remain at the same levels as the~~
88 ~~prior fiscal year.~~

89 Section 3. Paragraphs (a), (b), and (e) of subsection (4)
90 and paragraph (b) of subsection (16) of section 1009.24, Florida
91 Statutes, are amended, to read:

92 1009.24 State university student fees.—

93 (4) (a) Effective July 1, 2014 ~~2011~~, the resident
94 undergraduate tuition for lower-level and upper-level coursework
95 shall be \$105.07 ~~\$103.32~~ per credit hour.

96 ~~(b) Beginning with the 2008-2009 fiscal year and each year~~
97 ~~thereafter, the resident undergraduate tuition per credit hour~~



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98 ~~shall increase at the beginning of each fall semester at a rate~~
99 ~~equal to inflation, unless otherwise provided in the General~~
100 ~~Appropriations Act. The Office of Economic and Demographic~~
101 ~~Research shall report the rate of inflation to the President of~~
102 ~~the Senate, the Speaker of the House of Representatives, the~~
103 ~~Governor, and the Board of Governors each year prior to March 1.~~
104 ~~For purposes of this paragraph, the rate of inflation shall be~~
105 ~~defined as the rate of the 12-month percentage change in the~~
106 ~~Consumer Price Index for All Urban Consumers, U.S. City Average,~~
107 ~~All Items, or successor reports as reported by the United States~~
108 ~~Department of Labor, Bureau of Labor Statistics, or its~~
109 ~~successor for December of the previous year. In the event the~~
110 ~~percentage change is negative, the resident undergraduate~~
111 ~~tuition shall remain at the same level as the prior fiscal year.~~

112 ~~(d)(e)~~ The sum of the activity and service, health, and
113 athletic fees a student is required to pay to register for a
114 course may ~~shall~~ not exceed 40 percent of the tuition
115 established in law or in the General Appropriations Act. No
116 university shall be required to lower any fee in effect on the
117 effective date of this act in order to comply with this
118 subsection. Within the 40 percent cap, universities may not
119 increase the aggregate sum of activity and service, health, and
120 athletic fees more than 5 percent per year, ~~or the same~~
121 ~~percentage increase in tuition authorized under paragraph (b),~~
122 ~~whichever is greater,~~ unless specifically authorized in law or
123 in the General Appropriations Act. A university may increase its
124 athletic fee to defray the costs associated with changing
125 National Collegiate Athletic Association divisions. Any such
126 increase in the athletic fee may exceed both the 40 percent cap



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127 and the 5 percent cap imposed by this subsection. Any such
128 increase must be approved by the athletic fee committee in the
129 process outlined in subsection (12) and may not ~~cannot~~ exceed \$2
130 per credit hour. Notwithstanding ~~the provisions of~~ ss. 1009.534,
131 1009.535, and 1009.536, that portion of any increase in an
132 athletic fee pursuant to this subsection which ~~that~~ causes the
133 sum of the activity and service, health, and athletic fees to
134 exceed the 40 percent cap or the annual increase in such fees to
135 exceed the 5 percent cap may ~~shall~~ not be included in
136 calculating the amount a student receives for a Florida Academic
137 Scholars award, a Florida Medallion Scholars award, or a Florida
138 Gold Seal Vocational Scholars award. Notwithstanding this
139 paragraph and subject to approval by the board of trustees, each
140 state university may ~~is authorized to~~ exceed the 5 percent ~~5-~~
141 ~~percent~~ cap on the annual increase to the aggregate sum of
142 activity and service, health, and athletic fees for the 2010-
143 2011 fiscal year. Any such increase may ~~shall~~ not exceed 15
144 percent or the amount required to reach the 2009-2010 fiscal
145 year statewide average for the aggregate sum of activity and
146 service, health, and athletic fees at the main campuses,
147 whichever is greater. The aggregate sum of the activity and
148 service, health, and athletic fees may ~~shall~~ not exceed 40
149 percent of tuition. Any increase in the activity and service
150 fee, health fee, or athletic fee must be approved by the
151 appropriate fee committee pursuant to subsection (10),
152 subsection (11), or subsection (12).

153 (16) Each university board of trustees may establish a
154 tuition differential for undergraduate courses upon receipt of
155 approval from the Board of Governors. The tuition differential



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156 shall promote improvements in the quality of undergraduate
157 education and shall provide financial aid to undergraduate
158 students who exhibit financial need.

159 (b) Each tuition differential is subject to the following
160 conditions:

161 1. The tuition differential may be assessed on one or more
162 undergraduate courses or on all undergraduate courses at a state
163 university.

164 2. The tuition differential may vary by course or courses,
165 campus or center location, and by institution. Each university
166 board of trustees shall strive to maintain and increase
167 enrollment in degree programs related to math, science, high
168 technology, and other state or regional high-need fields when
169 establishing tuition differentials by course.

170 3. For each state university that is designated as a
171 preeminent state research university by the Board of Governors,
172 pursuant to s. 1001.7065, that has total research and
173 development expenditures for all fields of at least \$100 million
174 per year as reported annually to the National Science
175 Foundation, the aggregate sum of tuition and the tuition
176 differential may ~~not~~ be increased by no more than 6 ~~15~~ percent
177 of the total charged for the aggregate sum of these fees in the
178 preceding fiscal year if the university meets or exceeds each
179 performance standard target for that university established
180 annually by the Board of Governors for the following performance
181 standards, each amounting to no more than a 2 percent increase
182 in tuition differential:

183 a. Increase in the 6-year graduation rate for full-time,
184 first-time-in-college students, as reported annually to the



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185 Integrated Postsecondary Education Data System;
186 b. Increase in the total annual research expenditures; and
187 c. Increase in the total patents awarded by the United
188 States Patent and Trademark Office for the most recent years.
189 ~~For each state university that has total research and~~
190 ~~development expenditures for all fields of less than \$100~~
191 ~~million per year as reported annually to the National Science~~
192 ~~Foundation, the aggregate sum of tuition and the tuition~~
193 ~~differential may not be increased by more than 15 percent of the~~
194 ~~total charged for the aggregate sum of these fees in the~~
195 ~~preceding fiscal year.~~
196 4. The aggregate sum of undergraduate tuition and fees per
197 credit hour, including the tuition differential, may not exceed
198 the national average of undergraduate tuition and fees at 4-year
199 degree-granting public postsecondary educational institutions.
200 5. The tuition differential shall not be included in any
201 award under the Florida Bright Futures Scholarship Program
202 established pursuant to ss. 1009.53-1009.538.
203 6. Beneficiaries having prepaid tuition contracts pursuant
204 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
205 which remain in effect, are exempt from the payment of the
206 tuition differential.
207 7. The tuition differential may not be charged to any
208 student who was in attendance at the university before July 1,
209 2007, and who maintains continuous enrollment.
210 8. The tuition differential may be waived by the university
211 for students who meet the eligibility requirements for the
212 Florida public student assistance grant established in s.
213 1009.50.



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214 9. Subject to approval by the Board of Governors, the
215 tuition differential authorized pursuant to this subsection may
216 take effect with the 2009 fall term.

217 Section 4. Subsection (8) of section 1009.26, Florida
218 Statutes, is amended, and subsection (12) is added to that
219 section, to read:

220 1009.26 Fee waivers.—

221 (8) A state university, a ~~or~~ Florida College System
222 institution, a career center operated by a school district under
223 s. 1001.44, or a charter technical career center shall waive
224 undergraduate tuition for each recipient of a Purple Heart or
225 another combat decoration superior in precedence who:

226 (a) Is enrolled as a full-time, part-time, or summer-school
227 student in an undergraduate program that terminates in a degree
228 or certificate;

229 (b) Is currently, and was at the time of the military
230 action that resulted in the awarding of the Purple Heart or
231 other combat decoration superior in precedence, a resident of
232 this state; and

233 (c) Submits to the state university or the Florida College
234 System institution the DD-214 form issued at the time of
235 separation from service as documentation that the student has
236 received a Purple Heart or another combat decoration superior in
237 precedence. If the DD-214 is not available, other documentation
238 may be acceptable if recognized by the United States Department
239 of Defense or the United States Department of Veterans Affairs
240 as documenting the award.

241
242 Such a waiver for a Purple Heart recipient or recipient of



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243 another combat decoration superior in precedence shall be
244 applicable for 110 percent of the number of required credit
245 hours of the degree or certificate program for which the student
246 is enrolled.

247 (12) (a) A state university, a Florida College System
248 institution, a career center operated by a school district under
249 s. 1001.44, or a charter technical career center shall waive
250 out-of-state fees for students, including but not limited to
251 students who are undocumented for federal immigration purposes,
252 who meet the following conditions:

253 1. Attended a secondary school in this state, which is not
254 the Florida Virtual School Global, for 3 consecutive years
255 immediately before graduating from a high school in this state;

256 2. Enrolled in a degree or certificate program at an
257 institution of higher education within 24 months after high
258 school graduation; and

259 3. Submitted an official Florida high school transcript as
260 evidence of attendance and graduation.

261 (b) In the case of a student who is undocumented for
262 federal immigration purposes, the student must, in addition to
263 meeting the requirements of paragraph (a), submit to the
264 institution of higher education a notarized affidavit stating
265 that the student has filed an application to legalize his or her
266 federal immigration status or will file an application as soon
267 as he or she is eligible to do so.

268 (c) Tuition and fees charged to a student who qualifies for
269 the out-of-state fee waiver under this subsection may not exceed
270 the tuition and fees charged to a resident student. The waiver
271 is applicable for 110 percent of the required credit hours of



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272 the degree or certificate program for which the student is
273 enrolled. Each state university, Florida College System
274 institution, career center operated by a school district under
275 s. 1001.44, and charter technical career center shall report to
276 the Board of Governors and the State Board of Education,
277 respectively, the number and value of all fee waivers granted
278 annually under this subsection. The Board of Governors for the
279 state universities and the State Board of Education for Florida
280 College System institutions, career centers operated by a school
281 district under s. 1001.44, and charter technical career centers
282 shall annually certify within their legislative budget requests
283 that the percentage of resident students enrolled systemwide is
284 at least the same as the 2013-2014 resident student enrollment
285 systemwide.

286 (d) A student who is granted an out-of-state fee waiver
287 under this subsection is not eligible for state financial aid
288 under part III of chapter 1009.

289 Section 5. Subsection (10) of section 1009.98, Florida
290 Statutes, is amended to read:

291 1009.98 Stanley G. Tate Florida Prepaid College Program.—

292 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

293 (a) As used in this subsection, the term:

294 1. "Actuarial reserve" means the amount by which the
295 expected value of the assets exceeds ~~exceed~~ the expected value
296 of the liabilities of the trust fund.

297 2. "Dormitory fees" means the fees included under advance
298 payment contracts pursuant to paragraph (2)(d).

299 3. "Fiscal year" means the fiscal year of the state
300 pursuant to s. 215.01.



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301 4. "Local fees" means the fees covered by an advance
302 payment contract provided pursuant to subparagraph (2) (b)2.

303 5. "Tuition differential" means the fee covered by advance
304 payment contracts sold pursuant to subparagraph (2) (b)3. The
305 base rate for the tuition differential fee for the 2012-2013
306 fiscal year is established at \$37.03 per credit hour. The base
307 rate for the tuition differential in subsequent years is the
308 amount assessed ~~paid by the board~~ for the tuition differential
309 for the preceding year adjusted pursuant to subparagraph (b)2.

310 (b) Effective with the 2009-2010 academic year and
311 thereafter, and notwithstanding the provisions of s. 1009.24,
312 the amount paid by the board to any state university on behalf
313 of a qualified beneficiary of an advance payment contract whose
314 contract was purchased before July 1, 2024 ~~2009~~, shall be:

315 1. As to registration fees, if the actuarial reserve is
316 less than 5 percent of the expected liabilities of the trust
317 fund, the board shall pay the state universities 5.5 percent
318 above the amount assessed for registration fees in the preceding
319 fiscal year. If the actuarial reserve is between 5 percent and 6
320 percent of the expected liabilities of the trust fund, the board
321 shall pay the state universities 6 percent above the amount
322 assessed for registration fees in the preceding fiscal year. If
323 the actuarial reserve is between 6 percent and 7.5 percent of
324 the expected liabilities of the trust fund, the board shall pay
325 the state universities 6.5 percent above the amount assessed for
326 registration fees in the preceding fiscal year. If the actuarial
327 reserve is equal to or greater than 7.5 percent of the expected
328 liabilities of the trust fund, the board shall pay the state
329 universities 7 percent above the amount assessed for



330 registration fees in the preceding fiscal year, whichever is
331 greater.

332 2. As to the tuition differential, if the actuarial reserve
333 is less than 5 percent of the expected liabilities of the trust
334 fund, the board shall pay the state universities 5.5 percent
335 above the base rate for the tuition differential fee in the
336 preceding fiscal year. If the actuarial reserve is between 5
337 percent and 6 percent of the expected liabilities of the trust
338 fund, the board shall pay the state universities 6 percent above
339 the base rate for the tuition differential fee in the preceding
340 fiscal year. If the actuarial reserve is between 6 percent and
341 7.5 percent of the expected liabilities of the trust fund, the
342 board shall pay the state universities 6.5 percent above the
343 base rate for the tuition differential fee in the preceding
344 fiscal year. If the actuarial reserve is equal to or greater
345 than 7.5 percent of the expected liabilities of the trust fund,
346 the board shall pay the state universities 7 percent above the
347 base rate for the tuition differential fee in the preceding
348 fiscal year.

349 3. As to local fees, the board shall pay the state
350 universities 5 percent above the amount assessed for local fees
351 in the preceding fiscal year.

352 4. As to dormitory fees, the board shall pay the state
353 universities 6 percent above the amount assessed for dormitory
354 fees in the preceding fiscal year.

355 5. Qualified beneficiaries of advance payment contracts
356 purchased before July 1, 2007, are exempt from paying any
357 tuition differential fee.

358 (c) Notwithstanding the amount assessed for registration



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359 fees, the tuition differential fee, or local fees, the amount
360 paid by the board to any state university on behalf of a
361 qualified beneficiary of an advance payment contract purchased
362 before July 1, 2024, may not exceed 100 percent of the amount
363 charged by the state university for the aggregate sum of those
364 fees.

365 (d) Notwithstanding the amount assessed for dormitory fees,
366 the amount paid by the board to any state university on behalf
367 of a qualified beneficiary of an advance payment contract
368 purchased before July 1, 2024, may not exceed 100 percent of the
369 amount charged by the state university for dormitory fees.

370 (e) ~~(e)~~ The board shall pay state universities the actual
371 amount assessed in accordance with law for registration fees,
372 the tuition differential, local fees, and dormitory fees for
373 advance payment contracts purchased on or after July 1, 2024
374 2009.

375 (f) ~~(d)~~ The board shall annually evaluate or cause to be
376 evaluated the actuarial soundness of the trust fund.

377 Section 6. A dependent child who is a citizen of the United
378 States of America may not be denied residency classification for
379 tuition purposes based solely on the parent's undocumented
380 immigration status. All applicable laws apply.

381 Section 7. This act shall take effect July 1, 2014.

382
383 ===== T I T L E A M E N D M E N T =====

384 And the title is amended as follows:

385 Delete everything before the enacting clause
386 and insert:

387 An act relating to postsecondary student tuition;



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388 amending ss. 1009.22 and 1009.23, F.S.; revising the
389 standard tuition and out-of-state fees for workforce
390 education postsecondary programs leading to certain
391 certificates and diplomas and certain other programs
392 at Florida College System institutions; deleting a
393 provision relating to an increase in tuition and out-
394 of-state fees at a rate equal to inflation; deleting a
395 requirement that the Office of Economic and
396 Demographic Research annually report the rate of
397 inflation to the Governor, the Legislature, and the
398 State Board of Education; deleting the definition of
399 the term "rate of inflation"; amending s. 1009.24,
400 F.S.; revising the resident undergraduate tuition for
401 lower-level and upper-level coursework; deleting a
402 provision related to an increase of the resident
403 undergraduate tuition at state universities at a rate
404 equal to inflation; deleting the requirement of the
405 Office of Economic and Demographic Research to
406 annually report the rate of inflation to the Governor,
407 the Legislature, and the Board of Governors; deleting
408 the definition of the term "rate of inflation";
409 conforming provisions to changes made by the act;
410 authorizing a state university board of trustees to
411 increase the aggregate sum of tuition and tuition
412 differential for up to 6 percent of the total charged
413 for the aggregate sum of such fees in the preceding
414 year if the state university if the university meets
415 the specified conditions; amending s. 1009.26, F.S.;
416 requiring a state university, a Florida College System



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417 institution, a career center operated by a school
418 district, or a charter technical career center to
419 waive undergraduate tuition for a recipient of a
420 Purple Heart or another combat decoration superior in
421 precedence under certain conditions; requiring a state
422 university, a Florida College System institution, a
423 career center operated by a school district, and a
424 charter technical career center to waive out-of-state
425 fees for certain students who meet specified
426 conditions; requiring a state university, a Florida
427 College System institution, and a charter technical
428 career center to report to the Board of Governors and
429 the State Board of Education, respectively, the number
430 and value of all fee waivers; requiring the Board of
431 Governors for the state universities and the State
432 Board of Education for the Florida College System
433 institutions, career centers operated by a school
434 district, and charter technical career centers to
435 annually certify within their legislative budget
436 requests that the percentage of resident student
437 enrolled systemwide is at least the same as the
438 resident student enrollment systemwide in a specified
439 academic year; providing that a student who is granted
440 the out-of-state fee waiver is not eligible for state
441 financial aid; amending s. 1009.98, F.S.; redefining
442 the term "tuition differential"; revising the purchase
443 date of an advance payment contract as it relates to
444 the amount paid by the Florida Prepaid College Board
445 to a state university on behalf of a qualified



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446 beneficiary; prohibiting the amount of the aggregate
447 sum of registration fees, the tuition differential
448 fee, and local fees paid by the board to a state
449 university on behalf of a qualified beneficiary of an
450 advance payment contract from exceeding a certain
451 percentage of the amount charged by the state
452 university for the aggregate sum of those fees;
453 prohibiting the amount of the dormitory fees paid for
454 by the board to a state university on behalf of a
455 qualified beneficiary of an advance payment contract
456 from exceeding a certain percentage of the amount
457 charged by the state university for those fees;
458 conforming provisions to changes made by the act;
459 prohibiting certain dependent children from being
460 denied residency classification for tuition purposes
461 based solely on a parent's undocumented immigration
462 status; providing an effective date.