

1 A bill to be entitled
2 An act relating to the National Guard; amending
3 s. 250.10, F.S.; revising language with respect
4 to the appointment of the Adjutant General;
5 providing for the performance of the duties of
6 Adjutant General by certain assistants;
7 amending s. 250.10, F.S.; revising provisions
8 relating to educational benefits for Florida
9 National Guard members; authorizing payment of
10 the full cost of tuition and fees by the
11 Department of Military Affairs under certain
12 circumstances; amending ss. 240.235 and 240.35,
13 F.S.; conforming cross-references; providing an
14 effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsections (1), (4), and (6) of section
19 250.10, Florida Statutes, are amended to read:

20 250.10 Appointment and duties of the Adjutant
21 General.--

22 (1) In case of a vacancy, the Governor shall, subject
23 to confirmation by the Senate, appoint a federally recognized
24 officer of the Florida National Guard who shall have served
25 therein as such for the preceding ~~at least~~ 5 years and
26 attained the rank of colonel ~~major~~ or higher, to be the
27 Adjutant General of the state with the rank of not less than
28 brigadier general or such higher rank as may be authorized by
29 applicable tables of organization of the Department of the
30 Army. The Adjutant General and all other officers of the
31 Florida National Guard on permanent duty with the ~~Military~~

1 Department of Military Affairs and who are paid from state
 2 funds shall receive the pay and allowances of their respective
 3 grade as prescribed by applicable pay tables of the national
 4 military establishment for similar grade and period of service
 5 of personnel, unless a different rate of pay and allowances be
 6 specified in the appropriation bill, in which event such pay
 7 shall be the amount therein specified. An officer, with his
 8 or her consent, may be ordered to active state service for
 9 administrative duty with the ~~Military~~ Department of Military
 10 Affairs at a grade lower than the officer currently holds.

11 (4) The Adjutant General shall employ a federally
 12 recognized officer of the Florida National Guard who shall
 13 have served therein as such for the preceding ~~at least~~ 5 years
 14 and have obtained the rank of colonel ~~major~~ or higher, to be
 15 the Assistant Adjutant General for Army who shall perform such
 16 duties as the Adjutant General may require. ~~The Assistant~~
 17 ~~Adjutant General for Army is one of two senior Assistant~~
 18 ~~Adjutants General within the State of Florida and shall in the~~
 19 ~~absence of the Adjutant General be the acting Adjutant General~~
 20 ~~and perform the duties required of the Adjutant General.~~

21 (5) The Adjutant General shall employ a federally
 22 recognized officer of the Florida National Guard as the state
 23 quartermaster who under the direction of the Adjutant General
 24 shall be accountable for all funds accruing to the Military
 25 Department, receive, preserve, repair, issue, distribute, and
 26 account for all State Military Department property to include
 27 real estate pertaining to the State Armory Board; construct,
 28 maintain, improve, and repair facilities pertaining to the
 29 Military Department and the armory board; the state
 30 quartermaster will be the recorder of the armory board and
 31 will perform such other duties as may be required of him or

1 her by the Adjutant General; the state quartermaster shall
2 give a surety bond in a surety company approved by the
3 Adjutant General in such amount as the Adjutant General may
4 determine.

5 (6) The Adjutant General shall employ a federally
6 recognized officer of the Florida National Guard, who shall
7 have served therein as such for the preceding ~~at least~~ 5 years
8 and have attained the rank of colonel ~~major~~ or higher, to be
9 the Assistant Adjutant General for Air who shall perform such
10 duties as the Adjutant General may require. ~~The Assistant~~
11 ~~Adjutant General for Air is one of two senior Assistant~~
12 ~~Adjutants General within the State of Florida and shall in the~~
13 ~~absence of the Adjutant General be the acting Adjutant General~~
14 ~~and perform the duties required of the Adjutant General.~~

15 Section 2. Subsection (7) of section 250.10, Florida
16 Statutes, is amended, and subsection (8) is added to said
17 section, to read:

18 250.10 Appointment and duties of the Adjutant
19 General.--

20 (7) The Adjutant General and representatives of the
21 Board of Regents, the State Board of Community Colleges, and
22 the State Board of Education shall design and develop a
23 tuition assistance program for members ~~wherein a member~~ in
24 good standing of the active Florida National Guard who ~~is~~
25 ~~enrolled, or who may enroll,~~ in a public institution of higher
26 learning in the state in accordance with the provisions of
27 subsection (8) ~~shall be exempt from payment of one-half of the~~
28 ~~cost of tuition and fees, provided such member meets regular~~
29 ~~admission requirements and is admitted on a space-available~~
30 ~~basis. Such exemption shall not exceed a period of 10 years~~
31 ~~from the date of enrollment in the tuition waiver program, or~~

1 ~~shall continue until graduation or termination of the~~
2 ~~full-time or part-time student, whichever occurs earlier.~~

3 (a) The program shall set forth application
4 requirements which include, but are not limited to,
5 requirements that the applicant shall:

6 1. Be 17 years of age or older.

7 2. Be presently domiciled in the state.

8 3. Be a member in good standing in the active Florida
9 National Guard at the beginning of and throughout the entire
10 academic term for which benefits are received.

11 4. Maintain continuous satisfactory participation in
12 the active Florida National Guard for any school term for
13 which exemption benefits are received.

14 5. Agree in writing to serve in the active Florida
15 National Guard for 3 years after completion of the studies for
16 which an exemption is granted.

17 (b) The program shall include, but not be limited to,
18 the following penalties:

19 1. When a member of the active Florida National Guard
20 receives an exemption from tuition and fees for any academic
21 term and fails to maintain satisfactory participation in the
22 Florida National Guard during such academic term, the
23 exemption shall immediately be forfeited and the member shall
24 be required to pay to the institution all tuition charges and
25 student fees for the current academic term for which the
26 exemption has been granted.

27 2. When a member of the active Florida National Guard
28 leaves the Florida National Guard during the 3-year period
29 such member had agreed to serve after completing the courses
30 for which exemptions were granted, the member shall be
31 required to reimburse the state for all tuition charges and

1 student fees for which such member received exemptions, unless
2 the Adjutant General determines there are justifiable
3 extenuating circumstances.

4 3. If the service of a member of the active Florida
5 National Guard is terminated or the member is placed on
6 scholastic probation while receiving exemption benefits, the
7 exemption shall be immediately forfeited and the member shall
8 pay to the institution all tuition charges and student fees
9 for the current academic term for which the member has
10 received an exemption.

11 (c) The program shall define those members of the
12 active Florida National Guard ineligible to participate in the
13 program and those courses of study not authorized for the
14 program.

15 1. Such members shall include, but not be limited to:

16 a. Any member, commissioned officer or warrant officer
17 or enlisted person, who has a baccalaureate degree.

18 b. Any member who has 15 years or more of total
19 military service creditable toward retirement.

20 c. Any member who has not completed basic military
21 training.

22 2. Courses not authorized include noncredit courses,
23 courses which do not meet degree requirements, or courses
24 which do not meet requirements for completion of
25 vocational-technical training.

26 (d) The Adjutant General, together with the Board of
27 Regents, the State Board of Community Colleges, and the State
28 Board of Education, shall promulgate rules for the overall
29 policy, guidance, administration, implementation, and proper
30 utilization of the program. Such rules shall include, but not
31 be limited to, guidelines for certification by the Adjutant

1 General of a guard member's eligibility, procedures for
2 notification to an institution of a guard member's termination
3 of eligibility, and procedures for restitution when a guard
4 member fails to comply with the penalties described in
5 paragraph (b).

6 ~~(e) The number of National Guard members to receive~~
7 ~~waivers pursuant to this subsection shall be limited to 1,000~~
8 ~~annually.~~

9 (8) The Department of Military Affairs is authorized
10 to administer an educational tuition assistance program for
11 members of the Florida National Guard who qualify pursuant to
12 subsection (7).

13 (a) Members of the Florida National Guard as of June
14 30, 1997, shall be exempt from payment of one-half of tuition
15 and fees subject to the following limitations:

16 1. Participation in the program shall not exceed a
17 period of 10 years from the date of enrollment in the tuition
18 assistance program, or shall continue until graduation or
19 termination of the full-time or part-time student, whichever
20 occurs earlier.

21 2. Florida National Guard members shall be admitted on
22 a space-available basis.

23 (b) Notwithstanding paragraph (a) and subject to
24 appropriations, the Department of Military Affairs may pay the
25 full cost of tuition and fees for required courses for members
26 of the Florida National Guard who were members as of June 30,
27 1997, if a member is unable to obtain admittance on a
28 space-available basis and, at least on one previous occasion,
29 the member was denied admission to the required course.

30 (c) Subject to appropriations, the Department of
31 Military Affairs may pay the full cost of tuition and fees for

1 required courses for members of the Florida National Guard who
2 enlist after June 30, 1997.

3 Section 3. Subsection (8) of section 240.235, Florida
4 Statutes, is amended to read:

5 240.235 Fees.--

6 (8) The Board of Regents shall exempt one-half of all
7 tuition and course-related fees for certain members of the
8 active Florida National Guard pursuant to the provisions of s.
9 250.10(8)(6).

10 Section 4. Paragraph (a) of subsection (4) of section
11 240.35, Florida Statutes, 1996 Supplement, is amended to read:

12 240.35 Student fees.--Unless otherwise provided, the
13 provisions of this section apply only to fees charged for
14 college credit instruction.

15 (4)(a) Fees shall be waived for certain members of the
16 active Florida National Guard pursuant to the provisions of s.
17 250.10(8)(6).

18 Section 5. This act shall take effect July 1, 1997.
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