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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
04/20/2009	.	
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The Committee on Transportation and Economic Development
Appropriations (Fasano) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (7), (8), and (9) of section 250.10,
Florida Statutes, are amended to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General, ~~the Board of Governors of the
State University System, and the State Board of Education~~ shall
develop an education assistance program ~~programs~~ for members in
good standing of the ~~active~~ Florida National Guard who enroll in



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12 an authorized course of study at a public or nonpublic
13 institution of higher learning in the state which has been
14 accredited by the Commission on Colleges of the Southern
15 Association of Colleges and Schools. This program shall be known
16 as the Educational Dollars for Duty program (EDD).

17 (a) The program ~~programs~~ shall set forth application
18 requirements, including, but not limited to, requirements that
19 the applicant:

20 1. Be 17 years of age or older.

21 2. Be presently domiciled in the state.

22 3. Be an active drilling ~~a member~~ and in good standing in
23 the ~~active~~ Florida National Guard at the beginning of and
24 throughout the entire academic term for which benefits are
25 received.

26 4. Maintain continuous satisfactory participation in the
27 ~~active~~ Florida National Guard for any school term for which
28 exemption benefits are received.

29 5. Upon enrollment in the ~~a program specified in subsection~~
30 ~~(8) or subsection (9)~~, complete a memorandum of agreement to
31 comply with the rules of the program and serve in the ~~active~~
32 Florida National Guard for the period specified in the member's
33 enlistment or reenlistment contract ~~3 years after completion of~~
34 ~~the studies for which an exemption is granted or tuition and~~
35 ~~fees are paid.~~

36 (b) The program ~~programs~~ shall define those members of the
37 ~~active~~ Florida National Guard who are ineligible to participate
38 in the program and those courses of study which are not
39 authorized for the program.

40 1. Ineligible ~~Such~~ members include, but are not limited



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41 to, ~~÷~~

42 ~~a.~~ any member, commissioned officer, warrant officer, or
43 enlisted person who has obtained a master's degree using the
44 program ~~a baccalaureate degree.~~

45 ~~b. Any member who has 15 years or more of total military~~
46 ~~service creditable toward retirement.~~

47 ~~e. Any member who has not completed basic military~~
48 ~~training.~~

49 2. Courses not authorized include noncredit courses,
50 courses that do not meet degree requirements, ~~or~~ courses that do
51 not meet requirements for completion of career training, or
52 other courses as determined by program definitions.

53 3. College-preparatory courses are authorized for the
54 program.

55 (c) The Adjutant General, ~~together with the Board of~~
56 ~~Governors of the State University System and the State Board of~~
57 ~~Education,~~ shall adopt rules for the overall policy, guidance,
58 administration, implementation, and proper use ~~utilization~~ of
59 the program. Such rules must include, but not be limited to,
60 guidelines for certification by the Adjutant General of a guard
61 member's eligibility, procedures for notification to an
62 institution of a guard member's termination of eligibility, and
63 procedures for restitution when a guard member fails to comply
64 with the penalties described in this section.

65 ~~(8) The Department of Military Affairs may administer a~~
66 ~~tuition exemption program, known as the State Tuition Exemption~~
67 ~~Program (STEP), for members of the Florida National Guard who~~
68 ~~qualify pursuant to subsection (7).~~

69 ~~(a) Members of the Florida National Guard are exempt from~~



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70 ~~payment of one half of tuition and fees, subject to the~~
71 ~~following limitations:~~

72 ~~1. A member may not participate in the STEP Program for~~
73 ~~more than 10 years following the date of enrollment in the~~
74 ~~tuition assistance program.~~

75 ~~2. Florida National Guard members shall be admitted on a~~
76 ~~space available basis.~~

77 ~~(b) Notwithstanding paragraph (a) and subject to~~
78 ~~appropriations, the Department of Military Affairs may pay one-~~
79 ~~half the cost of tuition and fees for required courses for~~
80 ~~members of the Florida National Guard if a member is unable to~~
81 ~~obtain admittance on a space available basis and, at least on~~
82 ~~one previous occasion, the member was denied admission to the~~
83 ~~required course.~~

84 ~~(c) Courses not authorized include noncredit courses,~~
85 ~~courses that do not meet degree requirements, or courses that do~~
86 ~~not meet requirements for completing career training.~~

87 ~~(d) Penalties for noncompliance with program requirements~~
88 ~~include, but are not limited to:~~

89 ~~1. If a member of the active Florida National Guard~~
90 ~~receives an exemption from tuition and fees for any academic~~
91 ~~term and fails to maintain satisfactory participation in the~~
92 ~~Florida National Guard during that academic term, the member~~
93 ~~forfeits his or her exemption and shall pay the institution~~
94 ~~granting the exemption all tuition charges and student fees for~~
95 ~~the academic term for which the exemption was granted.~~

96 ~~2. If a member of the active Florida National Guard leaves~~
97 ~~the Florida National Guard during the 3 year period the member~~
98 ~~has agreed to serve after completing the courses for which an~~



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99 ~~exemption was granted, the member shall reimburse the~~
100 ~~institution granting the exemption for all tuition charges and~~
101 ~~student fees for which the member received an exemption, unless~~
102 ~~the Adjutant General finds that there are justifiable~~
103 ~~extenuating circumstances.~~

104 ~~3. If the service of a member of the active Florida~~
105 ~~National Guard is terminated or the member is placed on~~
106 ~~scholastic probation while receiving an exemption, the exemption~~
107 ~~shall be immediately forfeited and the member shall pay the~~
108 ~~institution granting the exemption all tuition charges and~~
109 ~~student fees for the academic term for which the exemption was~~
110 ~~granted.~~

111 ~~4. If a member defaults on any repayment made under this~~
112 ~~paragraph, the institution may charge the member the maximum~~
113 ~~interest rate authorized by law.~~

114 ~~(8)(9)~~ Subject to appropriations, the Department of
115 Military Affairs may pay the full cost of tuition and fees for
116 required courses for current members of the Florida National
117 Guard ~~who enlist after June 30, 1997.~~ Members are eligible to
118 use the program upon enlistment in the Florida National Guard.
119 If a member is enrolled in a nonpublic postsecondary education
120 institution or a nonpublic vocational-technical program, the
121 Department of Military Affairs shall pay an amount equal to the
122 amount that would be required to pay for the average tuition and
123 fees at a public postsecondary education institution or public
124 vocational-technical program. This program shall be known as the
125 Educational Dollars for Duty program (EDD) and is the primary
126 program for these members.

127 (a) A member may participate in the program if he or she



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128 maintains satisfactory participation in, and is an active
129 drilling member of, the Florida National Guard. Inactive members
130 of the Florida National Guard and members of the Individual
131 Ready Reserve (IRR) are not eligible to participate in the
132 program. A member may not participate in the EDD program for
133 more than 5 years following the date of eligibility for the
134 program.

135 ~~(b) Courses not authorized include noncredit courses,~~
136 ~~courses that do not meet the degree requirements, or courses~~
137 ~~that do not meet requirements for completing career training.~~

138 ~~(c) College preparatory classes are authorized courses.~~

139 (b)(d) Penalties for noncompliance with program
140 requirements include, but are not limited to, the following:

141 1. If a member of the ~~active~~ Florida National Guard
142 receives payment of tuition and fees for any academic term and
143 fails to maintain satisfactory participation in the Florida
144 National Guard during that academic term, the member shall
145 reimburse the Department of Military Affairs all tuition charges
146 and student fees for the academic term for which the member
147 received payment.

148 2. If a member of the ~~active~~ Florida National Guard leaves
149 the Florida National Guard during the ~~3-year~~ period specified in
150 the member's enlistment or reenlistment contract ~~the member has~~
151 ~~agreed to serve after completing the courses for which payments~~
152 ~~were made,~~ the member shall reimburse the Department of Military
153 Affairs all tuition charges and student fees for which the
154 member received payments, regardless of whether the obligation
155 to reimburse the department was incurred before, on, or after
156 July 1, 2009, unless the Adjutant General finds that there are



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157 justifiable extenuating circumstances.

158 3. If the service of a member of the ~~active~~ Florida
159 National Guard is terminated or the member is placed on
160 scholastic probation while receiving payments, the member shall
161 reimburse the Department of Military Affairs all tuition charges
162 and student fees for the academic term for which the member
163 received payment.

164 4. If a member defaults on any reimbursement made under
165 this paragraph, the department may charge the member the maximum
166 interest rate authorized by law.

167 Section 2. Paragraph (a) of subsection (10) of section
168 1009.21, Florida Statutes, is amended to read:

169 1009.21 Determination of resident status for tuition
170 purposes.—Students shall be classified as residents or
171 nonresidents for the purpose of assessing tuition in community
172 colleges and state universities.

173 (10) The following persons shall be classified as residents
174 for tuition purposes:

175 (a) Active duty members of the Armed Services of the United
176 States residing or stationed in this state, their spouses, and
177 dependent children, and active drilling members of the Florida
178 National Guard ~~who qualify under s. 250.10(7) and (8) for the~~
179 ~~tuition assistance program.~~

180 Section 3. Subsection (8) of section 1009.26, Florida
181 Statutes, is amended, and subsections (9) and (10) of that
182 section are renumbered as subsections (8) and (9), respectively,
183 to read:

184 1009.26 Fee waivers.—

185 ~~(8) Fees shall be waived for certain members of the active~~



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186 ~~Florida National Guard pursuant to s. 250.10(8).~~

187 Section 4. This act shall take effect July 1, 2009.

188

189 ===== T I T L E A M E N D M E N T =====

190 And the title is amended as follows:

191 Delete everything before the enacting clause

192 and insert:

193 A bill to be entitled

194 An act relating to the Educational Dollars for Duty
195 program; amending s. 250.10, F.S.; revising provisions
196 relating to the duties of the Adjutant General;
197 removing the duties of the Board of Governors of the
198 State University System and the State Board of
199 Education with respect to the Educational Dollars for
200 Duty program; providing for education assistance for
201 members of the Florida National Guard who enroll in an
202 authorized course of study at a specified public or
203 nonpublic institution of higher learning; revising the
204 application requirements for the program to include
205 active drilling members; requiring that a member serve
206 in the guard for the period specified in the member's
207 enlistment or reenlistment contract; providing that a
208 member who has obtained a master's degree is
209 ineligible to participate in the program; revising
210 courses not authorized for the program; providing that
211 college preparatory courses are authorized for the
212 program; deleting provisions relating to the State
213 Tuition Exemption Program; authorizing the Department
214 of Military Affairs to pay tuition and fees for



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215 current members; providing that members are eligible
216 to use the program upon enlistment; requiring that the
217 department pay the tuition and fees for a member
218 enrolled in a nonpublic postsecondary institution or a
219 nonpublic vocational-technical program which are equal
220 to the amount required to pay for tuition and fees at
221 a public postsecondary education institution or public
222 vocational-technical program; prohibiting
223 participation by certain members; providing for
224 applicability of a requirement to reimburse the
225 department for tuition charges and student fees under
226 specified circumstances; amending s. 1009.21, F.S.;
227 revising a provision relating to the classification of
228 members of the Florida National Guard as residents for
229 tuition purposes; amending s. 1009.26, F.S.;
230 eliminating a reference to educational fee waivers for
231 certain members of the Florida National Guard;
232 providing an effective date.