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LEGISLATIVE ACTION

Senate

House

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Floor: 4/AD/2R

04/30/2009 11:25 AM

Senator Fasano moved the following:

1 **Senate Substitute for Amendment (280430) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 250.10 Appointment and duties of the Adjutant General.—

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



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

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

21 1. Be 17 years of age or older.

22 2. Be presently domiciled in the state.

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

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

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

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

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



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42 to, ~~÷~~

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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158 justifiable extenuating circumstances.

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

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

168 Section 2. Paragraph (a) of subsection (10) of section
169 1009.21, Florida Statutes, is amended to read:

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

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

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

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

185 1009.26 Fee waivers.—

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



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

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

189

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

191 And the title is amended as follows:

192 Delete everything before the enacting clause

193 and insert:

194 A bill to be entitled

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



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