

By Senator Fasano

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1 A bill to be entitled
2 An act relating to the Education Dollars for Duty
3 program; amending s. 250.10, F.S.; revising provisions
4 relating to the duties of the Adjutant General;
5 removing the duties of the Board of Governors and the
6 State Board of Education for the Education Dollars for
7 Duty program; providing for education assistance for
8 members of the Florida National Guard who enroll in a
9 private institution; revising the application
10 requirements for the program to include active
11 drilling members; requiring that a member serve in the
12 guard for the period specified in the member's
13 enlistment or reenlistment contract; providing that a
14 member who has obtained a master's degree is
15 ineligible to participate in the program; providing
16 that college preparatory courses are authorized for
17 the program; deleting provisions relating to the State
18 Tuition Exemption Program; authorizing the Department
19 of Military Affairs to pay tuition and fees for
20 current members; providing that members are eligible
21 to use the program upon enlistment; requiring that the
22 department pay the tuition and fees for a member
23 enrolled in a nonpublic postsecondary institution
24 which are equal to the amount required to pay for
25 tuition and fees at a public postsecondary education
26 institution; amending s. 1009.21, F.S.; revising a
27 provision relating to the classification of members of
28 the Florida National Guard as residents for tuition
29 purposes to conform to changes made by the act;

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30 amending s. 1009.26, F.S.; conforming a cross-
31 reference; providing an effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Subsections (7), (8), and (9) of section 250.10,
36 Florida Statutes, are amended to read:

37 250.10 Appointment and duties of the Adjutant General.—

38 (7) The Adjutant General, ~~the Board of Governors of the~~
39 ~~State University System, and the State Board of Education~~ shall
40 develop an education assistance program ~~programs~~ for members in
41 good standing of the ~~active~~ Florida National Guard who enroll in
42 a public or private institution of higher learning in the state,
43 which has been accredited by the Commission on Colleges of the
44 Southern Association of Colleges and Schools.

45 (a) The program ~~programs~~ shall set forth application
46 requirements, including, but not limited to, requirements that
47 the applicant:

48 1. Be 17 years of age or older.

49 2. Be presently domiciled in the state.

50 3. Be an active drilling ~~a member~~ and in good standing in
51 the ~~active~~ Florida National Guard at the beginning of and
52 throughout the entire academic term for which benefits are
53 received.

54 4. Maintain continuous satisfactory participation in the
55 ~~active~~ Florida National Guard for any school term for which
56 exemption benefits are received.

57 5. Upon enrollment in the ~~a~~ program specified in subsection
58 (8) ~~or subsection (9)~~, complete a memorandum of agreement to

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59 comply with the rules of the program and serve in the ~~active~~
60 Florida National Guard for the period specified in the member's
61 enlistment or reenlistment contract 3 years after completion of
62 ~~the studies for which an exemption is granted or tuition and~~
63 ~~fees are paid.~~

64 (b) The program ~~programs~~ shall define those members of the
65 ~~active~~ Florida National Guard who are ineligible to participate
66 in the program and those courses of study which are not
67 authorized for the program.

68 1. Ineligible members include ~~Such members include~~, but are
69 not limited to, ~~÷~~

70 ~~a.~~ any member, commissioned officer, warrant officer, or
71 enlisted person who has obtained a master's degree using the
72 program specified in subsection (8) ~~a baccalaureate degree.~~

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

75 ~~c.~~ Any member who has ~~not completed basic military~~
76 ~~training.~~

77 2. Courses not authorized include noncredit courses,
78 courses that do not meet degree requirements, or courses that do
79 not meet requirements for completion of career training.

80 3. College-preparatory courses are authorized for the
81 program.

82 (c) The Adjutant General, ~~together with the Board of~~
83 ~~Governors of the State University System and the State Board of~~
84 ~~Education~~, shall adopt rules for the overall policy, guidance,
85 administration, implementation, and proper use ~~utilization~~ of
86 the program. Such rules must include, but not be limited to,
87 guidelines for certification by the Adjutant General of a guard

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88 member's eligibility, procedures for notification to an
89 institution of a guard member's termination of eligibility, and
90 procedures for restitution when a guard member fails to comply
91 with the penalties described in this section.

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

96 ~~(a) Members of the Florida National Guard are exempt from~~
97 ~~payment of one half of tuition and fees, subject to the~~
98 ~~following limitations:~~

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

102 ~~2. Florida National Guard members shall be admitted on a~~
103 ~~space available basis.~~

104 ~~(b) Notwithstanding paragraph (a) and subject to~~
105 ~~appropriations, the Department of Military Affairs may pay one-~~
106 ~~half the cost of tuition and fees for required courses for~~
107 ~~members of the Florida National Guard if a member is unable to~~
108 ~~obtain admittance on a space available basis and, at least on~~
109 ~~one previous occasion, the member was denied admission to the~~
110 ~~required course.~~

111 ~~(c) Courses not authorized include noncredit courses,~~
112 ~~courses that do not meet degree requirements, or courses that do~~
113 ~~not meet requirements for completing career training.~~

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

116 ~~1. If a member of the active Florida National Guard~~

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117 ~~receives an exemption from tuition and fees for any academic~~
118 ~~term and fails to maintain satisfactory participation in the~~
119 ~~Florida National Guard during that academic term, the member~~
120 ~~forfeits his or her exemption and shall pay the institution~~
121 ~~granting the exemption all tuition charges and student fees for~~
122 ~~the academic term for which the exemption was granted.~~

123 ~~2. If a member of the active Florida National Guard leaves~~
124 ~~the Florida National Guard during the 3-year period the member~~
125 ~~has agreed to serve after completing the courses for which an~~
126 ~~exemption was granted, the member shall reimburse the~~
127 ~~institution granting the exemption for all tuition charges and~~
128 ~~student fees for which the member received an exemption, unless~~
129 ~~the Adjutant General finds that there are justifiable~~
130 ~~extenuating circumstances.~~

131 ~~3. If the service of a member of the active Florida~~
132 ~~National Guard is terminated or the member is placed on~~
133 ~~scholastic probation while receiving an exemption, the exemption~~
134 ~~shall be immediately forfeited and the member shall pay the~~
135 ~~institution granting the exemption all tuition charges and~~
136 ~~student fees for the academic term for which the exemption was~~
137 ~~granted.~~

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

141 ~~(8)(9)~~ Subject to appropriations, the Department of
142 Military Affairs may pay the full cost of tuition and fees for
143 required courses for current members of the Florida National
144 Guard ~~who enlist after June 30, 1997.~~ Members are eligible to
145 use the program upon enlistment in the Florida National Guard.

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146 This program shall be known as the Educational Dollars for Duty
147 program (EDD) ~~and is the primary program for these members.~~ If a
148 member is enrolled in a nonpublic postsecondary education
149 institution, the Department of Military Affairs shall pay an
150 amount equal to the amount that would be required to pay for the
151 average tuition and fees at a public postsecondary education
152 institution.

153 (a) A member may participate in the program if he or she
154 maintains satisfactory participation and is an active drilling
155 member of the Florida National Guard. Inactive members of the
156 Florida National Guard and members of the Individual Ready
157 Reserve (IRR) are not eligible to participate in the program. ~~A~~
158 ~~member may not participate in the EDD program for more than 5~~
159 ~~years following the date of eligibility for the program.~~

160 ~~(b) Courses not authorized include noncredit courses,~~
161 ~~courses that do not meet the degree requirements, or courses~~
162 ~~that do not meet requirements for completing career training.~~

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

164 (b)-(d) Penalties for noncompliance with program
165 requirements include, but are not limited to:

166 1. If a member of the ~~active~~ Florida National Guard
167 receives payment of tuition and fees for any academic term and
168 fails to maintain satisfactory participation in the Florida
169 National Guard during that academic term, the member shall
170 reimburse the Department of Military Affairs all tuition charges
171 and student fees for the academic term for which the member
172 received payment.

173 2. If a member of the ~~active~~ Florida National Guard leaves
174 the Florida National Guard during the ~~3-year~~ period specified in

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175 the member's enlistment or reenlistment contract ~~the member has~~
176 ~~agreed to serve after completing the courses for which payments~~
177 ~~were made,~~ the member shall reimburse the Department of Military
178 Affairs all tuition charges and student fees for which the
179 member received payments, unless the Adjutant General finds that
180 there are justifiable extenuating circumstances.

181 3. If the service of a member of the ~~active~~ Florida
182 National Guard is terminated or the member is placed on
183 scholastic probation while receiving payments, the member shall
184 reimburse the Department of Military Affairs all tuition charges
185 and student fees for the academic term for which the member
186 received payment.

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

190 Section 2. Paragraph (a) of subsection (10) of section
191 1009.21, Florida Statutes, is amended to read:

192 1009.21 Determination of resident status for tuition
193 purposes.—Students shall be classified as residents or
194 nonresidents for the purpose of assessing tuition in community
195 colleges and state universities.

196 (10) The following persons shall be classified as residents
197 for tuition purposes:

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

203 Section 3. Subsection (8) of section 1009.26, Florida

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204 Statutes, is amended to read:

205 1009.26 Fee waivers.—

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

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

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