

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

29 penalty which requires reimbursement to the department of
 30 tuition charges and student fees under specified
 31 circumstances; amending s. 1009.21, F.S.; revising a
 32 provision relating to the classification of members of the
 33 Florida National Guard as residents for tuition purposes
 34 to conform to changes made by the act; amending s.
 35 1009.26, F.S.; eliminating a reference to educational fee
 36 waivers for certain members of the Florida National Guard;
 37 providing an effective date.

38

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

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41 Section 1. Subsections (7), (8), and (9) of section
 42 250.10, Florida Statutes, are amended to read:

43 250.10 Appointment and duties of the Adjutant General.--

44 (7) The Adjutant General, ~~the Board of Governors of the~~
 45 ~~State University System, and the State Board of Education~~ shall
 46 develop an education assistance program ~~programs~~ for members in
 47 good standing of the ~~active~~ Florida National Guard who enroll in
 48 a public or nonpublic institution of higher learning in the
 49 state which has been accredited by the Commission on Colleges of
 50 the Southern Association of Colleges and Schools or a
 51 vocational-technical program in the state which has been
 52 accredited by the Council on Occupational Education. This
 53 program shall be known as the Educational Dollars for Duty
 54 program (EDD).

55 (a) The program ~~programs~~ shall set forth application
 56 requirements, including, but not limited to, requirements that

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57 the applicant:

58 1. Be 17 years of age or older.

59 2. Be presently domiciled in the state.

60 3. Be an active drilling a member and in good standing in
61 the ~~active~~ Florida National Guard at the beginning of and
62 throughout the entire academic term for which benefits are
63 received.

64 4. Maintain continuous satisfactory participation in the
65 ~~active~~ Florida National Guard for any school term for which
66 exemption benefits are received.

67 5. Upon enrollment in the a program ~~specified in~~
68 ~~subsection (8) or subsection (9)~~, complete a memorandum of
69 agreement to comply with the rules of the program and serve in
70 the ~~active~~ Florida National Guard for the period specified in
71 the member's enlistment or reenlistment contract 3 years after
72 ~~completion of the studies for which an exemption is granted or~~
73 ~~tuition and fees are paid.~~

74 (b) The program ~~programs~~ shall define those members of the
75 ~~active~~ Florida National Guard who are ineligible to participate
76 in the program and those courses of study which are not
77 authorized for the program.

78 1. Ineligible ~~Such~~ members include, but are not limited
79 to 1:

80 a. any member, commissioned officer, warrant officer, or
81 enlisted person who has obtained a master's degree using the
82 program a ~~baccalaureate~~ degree.

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

85 ~~e. Any member who has not completed basic military~~
 86 ~~training.~~

87 2. Courses not authorized include noncredit courses,
 88 courses that do not meet degree requirements, or courses that do
 89 not meet requirements for completion of career training.

90 3. College-preparatory courses are authorized for the
 91 program.

92 (c) ~~The Adjutant General, together with the Board of~~
 93 ~~Governors of the State University System and the State Board of~~
 94 ~~Education,~~ shall adopt rules for the overall policy, guidance,
 95 administration, implementation, and proper use ~~utilization~~ of
 96 the program. Such rules must include, but not be limited to,
 97 guidelines for certification by the Adjutant General of a guard
 98 member's eligibility, procedures for notification to an
 99 institution of a guard member's termination of eligibility, and
 100 procedures for restitution when a guard member fails to comply
 101 with the penalties described in this section.

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

106 ~~(a) Members of the Florida National Guard are exempt from~~
 107 ~~payment of one-half of tuition and fees, subject to the~~
 108 ~~following limitations:~~

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

112 2. ~~Florida National Guard members shall be admitted on a~~

113 ~~space available basis.~~

114 ~~(b) Notwithstanding paragraph (a) and subject to~~
115 ~~appropriations, the Department of Military Affairs may pay one-~~
116 ~~half the cost of tuition and fees for required courses for~~
117 ~~members of the Florida National Guard if a member is unable to~~
118 ~~obtain admittance on a space available basis and, at least on~~
119 ~~one previous occasion, the member was denied admission to the~~
120 ~~required course.~~

121 ~~(c) Courses not authorized include noncredit courses,~~
122 ~~courses that do not meet degree requirements, or courses that do~~
123 ~~not meet requirements for completing career training.~~

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

126 ~~1. If a member of the active Florida National Guard~~
127 ~~receives an exemption from tuition and fees for any academic~~
128 ~~term and fails to maintain satisfactory participation in the~~
129 ~~Florida National Guard during that academic term, the member~~
130 ~~forfeits his or her exemption and shall pay the institution~~
131 ~~granting the exemption all tuition charges and student fees for~~
132 ~~the academic term for which the exemption was granted.~~

133 ~~2. If a member of the active Florida National Guard leaves~~
134 ~~the Florida National Guard during the 3-year period the member~~
135 ~~has agreed to serve after completing the courses for which an~~
136 ~~exemption was granted, the member shall reimburse the~~
137 ~~institution granting the exemption for all tuition charges and~~
138 ~~student fees for which the member received an exemption, unless~~
139 ~~the Adjutant General finds that there are justifiable~~
140 ~~extenuating circumstances.~~

141 ~~3. If the service of a member of the active Florida~~
142 ~~National Guard is terminated or the member is placed on~~
143 ~~scholastic probation while receiving an exemption, the exemption~~
144 ~~shall be immediately forfeited and the member shall pay the~~
145 ~~institution granting the exemption all tuition charges and~~
146 ~~student fees for the academic term for which the exemption was~~
147 ~~granted.~~

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

151 ~~(8)~~ (9) Subject to appropriations, the Department of
152 Military Affairs may pay the full cost of tuition and fees for
153 required courses for current members of the Florida National
154 Guard ~~who enlist after June 30, 1997.~~ Members are eligible to
155 use the program upon enlistment in the Florida National Guard.
156 If a member is enrolled in a nonpublic postsecondary education
157 institution or a nonpublic vocational-technical program, the
158 Department of Military Affairs shall pay an amount equal to the
159 amount that would be required to pay for the average tuition and
160 fees at a public postsecondary education institution or public
161 vocational-technical program. ~~This program shall be known as the~~
162 ~~Educational Dollars for Duty program (EDD) and is the primary~~
163 ~~program for these members.~~

164 (a) A member may participate in the program if he or she
165 maintains satisfactory participation in, and is an active
166 drilling member of, the Florida National Guard. Inactive members
167 of the Florida National Guard and members of the Individual
168 Ready Reserve (IRR) are not eligible to participate in the

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169 program. ~~A member may not participate in the EDD program for~~
170 ~~more than 5 years following the date of eligibility for the~~
171 ~~program.~~

172 ~~(b) Courses not authorized include noncredit courses,~~
173 ~~courses that do not meet the degree requirements, or courses~~
174 ~~that do not meet requirements for completing career training.~~

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

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

178 1. If a member of the ~~active~~ Florida National Guard
179 receives payment of tuition and fees for any academic term and
180 fails to maintain satisfactory participation in the Florida
181 National Guard during that academic term, the member shall
182 reimburse the Department of Military Affairs all tuition charges
183 and student fees for the academic term for which the member
184 received payment.

185 2. If a member of the ~~active~~ Florida National Guard leaves
186 the Florida National Guard during the ~~3-year~~ period specified in
187 the member's enlistment or reenlistment contract ~~the member has~~
188 ~~agreed to serve after completing the courses for which payments~~
189 ~~were made,~~ the member shall reimburse the Department of Military
190 Affairs all tuition charges and student fees for which the
191 member received payments, unless the Adjutant General finds that
192 there are justifiable extenuating circumstances. This
193 subparagraph shall be given retroactive effect and shall apply
194 to members who left the Florida National Guard prior to July 1,
195 2009. Nothing in this subparagraph shall be construed to relieve
196 a member of the Florida National Guard of any obligation to

197 reimburse the Department of Military Affairs for any tuition
 198 charges and student fees owed to the department under this
 199 section, regardless of whether the obligation was incurred
 200 before, on, or after July 1, 2009.

201 3. If the service of a member of the ~~active~~ Florida
 202 National Guard is terminated or the member is placed on
 203 scholastic probation while receiving payments, the member shall
 204 reimburse the Department of Military Affairs all tuition charges
 205 and student fees for the academic term for which the member
 206 received payment.

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

210 Section 2. Paragraph (a) of subsection (10) of section
 211 1009.21, Florida Statutes, is amended to read:

212 1009.21 Determination of resident status for tuition
 213 purposes.--Students shall be classified as residents or
 214 nonresidents for the purpose of assessing tuition in community
 215 colleges and state universities.

216 (10) The following persons shall be classified as
 217 residents for tuition purposes:

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

223 Section 3. Subsection (8) of section 1009.26, Florida
 224 Statutes, is amended, and subsections (9) and (10) of that

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225 | section are renumbered as subsections (8) and (9), respectively,

226 | to read:

227 | 1009.26 Fee waivers.--

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

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

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