

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 an authorized course
10 of study at a specified public or nonpublic institution of
11 higher learning; revising the application requirements for
12 the program to include active drilling members; requiring
13 that a member serve in the guard for the period specified
14 in the member's enlistment or reenlistment contract;
15 providing that a member who has obtained a master's degree
16 is ineligible to participate in the program; revising
17 courses not authorized for the program; providing that
18 college preparatory courses are authorized for the
19 program; deleting provisions relating to the State Tuition
20 Exemption Program; authorizing the Department of Military
21 Affairs to pay tuition and fees for current members;
22 providing that members are eligible to use the program
23 upon enlistment; requiring that the department pay the
24 tuition and fees for a member enrolled in a nonpublic
25 postsecondary institution or a nonpublic vocational-
26 technical program which are equal to the amount required
27 to pay for tuition and fees at a public postsecondary
28 education institution or public vocational-technical

29 program; prohibiting participation by certain members;
 30 providing for applicability of a requirement to reimburse
 31 the department for tuition charges and student fees under
 32 specified circumstances; amending s. 1009.21, F.S.;

33 revising a provision relating to the classification of
 34 members of the Florida National Guard as residents for
 35 tuition purposes; amending s. 1009.26, F.S.; eliminating a
 36 reference to educational fee waivers for certain members
 37 of the Florida National Guard; providing an effective
 38 date.

39

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

41

42 Section 1. Subsections (7), (8), and (9) of section
 43 250.10, Florida Statutes, are amended to read:

44 250.10 Appointment and duties of the Adjutant General.--

45 (7) The Adjutant General, ~~the Board of Governors of the~~
 46 ~~State University System, and the State Board of Education~~ shall
 47 develop an education assistance program ~~programs~~ for members in
 48 good standing of the ~~active~~ Florida National Guard who enroll in
 49 an authorized course of study at a public or nonpublic
 50 institution of higher learning in the state which has been
 51 accredited by an accrediting body recognized by the United
 52 States Department of Education or licensed by the Florida
 53 Commission for Independent Education. This program shall be
 54 known as the Educational Dollars for Duty program (EDD).

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

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 ÷

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, or
 90 other courses as determined by program definitions.

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

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

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

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

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

113 ~~2. Florida National Guard members shall be admitted on a~~
114 ~~space-available basis.~~

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

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

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

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

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

141 ~~extenuating circumstances.~~

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

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

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

165 (a) A member may participate in the program if he or she
 166 maintains satisfactory participation in, and is an active
 167 drilling member of, the Florida National Guard. Inactive members
 168 of the Florida National Guard and members of the Individual

169 Ready Reserve (IRR) are not eligible to participate in the
 170 program. ~~A member may not participate in the EDD program for~~
 171 ~~more than 5 years following the date of eligibility for the~~
 172 ~~program.~~

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

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

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

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

186 2. If a member of the ~~active~~ Florida National Guard leaves
 187 the Florida National Guard during the ~~3-year~~ period specified in
 188 the member's enlistment or reenlistment contract ~~the member has~~
 189 ~~agreed to serve after completing the courses for which payments~~
 190 ~~were made,~~ the member shall reimburse the Department of Military
 191 Affairs all tuition charges and student fees for which the
 192 member received payments, regardless of whether the obligation
 193 to reimburse the department was incurred before, on, or after
 194 July 1, 2009, unless the Adjutant General finds that there are
 195 justifiable extenuating circumstances.

196 3. If the service of a member of the ~~active~~ Florida

197 National Guard is terminated or the member is placed on
 198 scholastic probation while receiving payments, the member shall
 199 reimburse the Department of Military Affairs all tuition charges
 200 and student fees for the academic term for which the member
 201 received payment.

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

205 Section 2. Paragraph (a) of subsection (10) of section
 206 1009.21, Florida Statutes, is amended to read:

207 1009.21 Determination of resident status for tuition
 208 purposes.--Students shall be classified as residents or
 209 nonresidents for the purpose of assessing tuition in community
 210 colleges and state universities.

211 (10) The following persons shall be classified as
 212 residents for tuition purposes:

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

218 Section 3. Subsection (8) of section 1009.26, Florida
 219 Statutes, is amended, and subsections (9) and (10) of that
 220 section are renumbered as subsections (8) and (9), respectively,
 221 to read:

222 1009.26 Fee waivers.--

223 ~~(8) Fees shall be waived for certain members of the active~~
 224 ~~Florida National Guard pursuant to s. 250.10(8).~~

CS/HB 685

2009

225

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