

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 the Commission on Colleges of the Southern  
 52 Association of Colleges and Schools. This program shall be known  
 53 as the Educational Dollars for Duty program (EDD).

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

57 | 1. Be 17 years of age or older.  
 58 | 2. Be presently domiciled in the state.  
 59 | 3. Be an active drilling a member and in good standing in  
 60 | the ~~active~~ Florida National Guard at the beginning of and  
 61 | throughout the entire academic term for which benefits are  
 62 | received.

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

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

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

77 | 1. Ineligible ~~Such~~ members include, but are not limited  
 78 | to, ~~÷~~

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

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

84 | c. ~~Any member who has not completed basic military~~

85 ~~training.~~

86 2. Courses not authorized include noncredit courses,  
 87 courses that do not meet degree requirements, ~~or~~ courses that do  
 88 not meet requirements for completion of career training, or  
 89 other courses as determined by program definitions.

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

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, regardless of whether the obligation  
 192 to reimburse the department was incurred before, on, or after  
 193 July 1, 2009, unless the Adjutant General finds that there are  
 194 justifiable extenuating circumstances.

195 3. If the service of a member of the ~~active~~ Florida  
 196 National Guard is terminated or the member is placed on

197 | scholastic probation while receiving payments, the member shall  
 198 | reimburse the Department of Military Affairs all tuition charges  
 199 | and student fees for the academic term for which the member  
 200 | received payment.

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

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

206 |         1009.21 Determination of resident status for tuition  
 207 | purposes.--Students shall be classified as residents or  
 208 | nonresidents for the purpose of assessing tuition in community  
 209 | colleges and state universities.

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

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

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

221 |         1009.26 Fee waivers.--

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

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