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CS/CS/HB 685

2009 Legislature

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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:

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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~~

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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~~

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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.~~

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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, 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

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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.