

By Senator Pizzo

38-01895-21

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1                                   A bill to be entitled  
2       An act relating to the Assistant State Attorney and  
3       Assistant Public Defender Student Loan Repayment  
4       Program; creating s. 1009.695, F.S.; establishing a  
5       student loan repayment program within the Department  
6       of Education for assistant state attorneys and  
7       assistant public defenders; providing the purpose of  
8       the program; requiring the Department of Education to  
9       administer the program; providing requirements for  
10      eligibility; providing procedures for payments;  
11      requiring payments to be contingent upon proof of  
12      eligibility and annual recertification through an  
13      annual certification affidavit; specifying  
14      certification criteria; providing that payments are  
15      not considered taxable income; requiring the  
16      department to reduce payments for all program  
17      participants by a proportional amount if appropriated  
18      funds are insufficient to provide maximum payment for  
19      all program participants' loans; authorizing the  
20      Department of Education to adopt rules; providing for  
21      program funding; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

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25       Section 1. Section 1009.695, Florida Statutes, is created  
26 to read:

27       1009.695 Assistant State Attorney and Assistant Public  
28 Defender Student Loan Repayment Program.—

29       (1) The Assistant State Attorney and Assistant Public

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30 Defender Student Loan Repayment Program is established within  
31 the Department of Education. The purpose of the program is to  
32 increase employment and retention of assistant state attorneys  
33 and assistant public defenders in the public sector by making  
34 payments that offset student loans issued or guaranteed by a  
35 state or the Federal Government. The department shall administer  
36 the program.

37 (2) To be eligible to participate in the program, the  
38 assistant state attorney or assistant public defender must meet  
39 all of the following requirements:

40 (a) Be a member in good standing of The Florida Bar.

41 (b) Be employed full time by a state attorney or public  
42 defender in the state.

43 (c) Have completed not more than a total of 10 years of  
44 continuous service as an assistant state attorney or assistant  
45 public defender.

46 (d) Be earning a salary of less than \$65,000 as an  
47 assistant state attorney or assistant public defender.

48 (e) Not have received any disciplinary action from The  
49 Florida Bar.

50 (f) Have an unsatisfied student loan that was issued or  
51 guaranteed by a state or the Federal Government.

52 (g) Not be eligible for any other state, local, or federal  
53 grant or private fund that assists in student loan repayment.

54 (3) Only student loans that are not in default and that  
55 were issued pursuant to the Higher Education Act of 1965, 20  
56 U.S.C. ss. 1001 et seq., as amended, to fund a program  
57 participant's law school education are eligible for repayment  
58 under the program.

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59       (4) From the funds available, the Department of Education  
60 shall make an annual payment pursuant to subsection (6) as  
61 follows:

62       (a) Three thousand dollars if the program participant has a  
63 total of at least 4 years, but not more than 7 years, of  
64 continuous service as an assistant state attorney or assistant  
65 public defender.

66       (b) Five thousand dollars if the program participant has a  
67 total of more than 7 years, but not more than 10 years, of  
68 continuous service as an assistant state attorney or assistant  
69 public defender.

70       (5) All payments are contingent upon continued proof of  
71 eligibility through an annual certification affidavit on a form  
72 authorized by the department which certifies that the program  
73 participant meets all eligibility requirements of this section  
74 as of his or her most recent employment anniversary. A program  
75 participant must submit such affidavit to his or her employer  
76 within 30 days after his or her employment anniversary. If the  
77 employer signs such affidavit, the employer must submit the  
78 signed annual certification affidavit to the department within  
79 60 days after the program participant's most recent employment  
80 anniversary.

81       (6) Payments made pursuant to this section do not  
82 constitute taxable income to the program participant. Each  
83 payment shall be made directly to the financial institution that  
84 services the program participant's student loan. If the program  
85 participant holds more than one student loan that is eligible  
86 for repayment under this section, payment shall be made toward  
87 the program participant's student loan that has the highest

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88 current interest rate.

89 (7) If funds appropriated are insufficient to provide  
90 maximum payment for all program participants' student loans, the  
91 department shall reduce payments for all program participants by  
92 a proportional amount for the year for which funds appropriated  
93 are insufficient.

94 (8) The Department of Education may adopt rules necessary  
95 to administer the program.

96 (9) The Assistant State Attorney and Assistant Public  
97 Defender Student Loan Repayment Program may be funded annually,  
98 contingent upon a specific appropriation in the General  
99 Appropriations Act.

100 Section 2. This act shall take effect July 1, 2021.