

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 the  
5           program within the Department of Education for  
6           assistant state attorneys and assistant public  
7           defenders; providing the purpose of the program;  
8           requiring the department to administer the program;  
9           providing requirements for eligibility requirements;  
10          providing procedures for payments; requiring payments  
11          to be contingent upon proof of eligibility and annual  
12          recertification through an annual certification  
13          affidavit; specifying certification criteria;  
14          providing that payments are not considered taxable  
15          income; requiring the department to reduce payments  
16          for all program participants by a proportional amount  
17          if appropriated funds are insufficient to provide  
18          maximum payment for all program participants' loans;  
19          authorizing the State Board of Education to adopt  
20          rules; providing for program funding; providing an  
21          effective date.

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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  
 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 this 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 an annual salary of less than \$65,000 as an  
 47 | assistant state attorney or assistant public defender.

48 |           (e) Not have received any disciplinary action by 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.

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  
63 a 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 must 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 must be made toward  
87 the program participant's student loan that has the highest  
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 State Board 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, 2023.