

By Senator Pizzo

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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 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

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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 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.

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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 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

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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 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.