

CHAPTER 97-158

House Bill No. 255

An act relating to the National Guard; amending s. 250.10, F.S.; revising language with respect to the appointment of the Adjutant General; providing for the performance of the duties of Adjutant General by certain assistants; amending s. 250.10, F.S.; revising provisions relating to educational benefits for Florida National Guard members; authorizing payment of the full cost of tuition and fees by the Department of Military Affairs under certain circumstances; amending ss. 240.235 and 240.35, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (1), (4), and (6) of section 250.10, Florida Statutes, are amended to read:

250.10 Appointment and duties of the Adjutant General.—

(1) In case of a vacancy, the Governor shall, subject to confirmation by the Senate, appoint a federally recognized officer of the Florida National Guard who shall have served therein as such for the preceding at least 5 years and attained the rank of colonel major or higher, to be the Adjutant General of the state with the rank of not less than brigadier general or such higher rank as may be authorized by applicable tables of organization of the Department of the Army. The Adjutant General and all other officers of the Florida National Guard on permanent duty with the Military Department of Military Affairs and who are paid from state funds shall receive the pay and allowances of their respective grade as prescribed by applicable pay tables of the national military establishment for similar grade and period of service of personnel, unless a different rate of pay and allowances be specified in the appropriation bill, in which event such pay shall be the amount therein specified. An officer, with his or her consent, may be ordered to active state service for administrative duty with the Military Department of Military Affairs at a grade lower than the officer currently holds.

(4) The Adjutant General shall employ a federally recognized officer of the Florida National Guard who shall have served therein as such for the preceding at least 5 years and have obtained the rank of colonel major or higher, to be the Assistant Adjutant General for Army who shall perform such duties as the Adjutant General may require. ~~The Assistant Adjutant General for Army is one of two senior Assistant Adjutants General within the State of Florida and shall in the absence of the Adjutant General be the acting Adjutant General and perform the duties required of the Adjutant General.~~

(5) The Adjutant General shall employ a federally recognized officer of the Florida National Guard as the state quartermaster who under the direction of the Adjutant General shall be accountable for all funds accruing to

the Military Department, receive, preserve, repair, issue, distribute, and account for all State Military Department property to include real estate pertaining to the State Armory Board; construct, maintain, improve, and repair facilities pertaining to the Military Department and the armory board; the state quartermaster will be the recorder of the armory board and will perform such other duties as may be required of him or her by the Adjutant General; the state quartermaster shall give a surety bond in a surety company approved by the Adjutant General in such amount as the Adjutant General may determine.

(6) The Adjutant General shall employ a federally recognized officer of the Florida National Guard, who shall have served therein as such for the preceding at least 5 years and have attained the rank of colonel major or higher, to be the Assistant Adjutant General for Air who shall perform such duties as the Adjutant General may require. ~~The Assistant Adjutant General for Air is one of two senior Assistant Adjutants General within the State of Florida and shall in the absence of the Adjutant General be the acting Adjutant General and perform the duties required of the Adjutant General.~~

Section 2. Subsection (7) of section 250.10, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

250.10 Appointment and duties of the Adjutant General.—

(7) The Adjutant General and representatives of the Board of Regents, the State Board of Community Colleges, and the State Board of Education shall design and develop a tuition assistance program for members wherein a member in good standing of the active Florida National Guard who is enrolled, or who may enroll, in a public institution of higher learning in the state in accordance with the provisions of subsection (8) shall be exempt from payment of one-half of the cost of tuition and fees, provided such member meets regular admission requirements and is admitted on a space-available basis. ~~Such exemption shall not exceed a period of 10 years from the date of enrollment in the tuition waiver program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier.~~

(a) The program shall set forth application requirements which include, but are not limited to, requirements that the applicant shall:

1. Be 17 years of age or older.
2. Be presently domiciled in the state.
3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.
4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.
5. Agree in writing to serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted.

(b) The program shall include, but not be limited to, the following penalties:

1. When a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during such academic term, the exemption shall immediately be forfeited and the member shall be required to pay to the institution all tuition charges and student fees for the current academic term for which the exemption has been granted.

2. When a member of the active Florida National Guard leaves the Florida National Guard during the 3-year period such member had agreed to serve after completing the courses for which exemptions were granted, the member shall be required to reimburse the state for all tuition charges and student fees for which such member received exemptions, unless the Adjutant General determines there are justifiable extenuating circumstances.

3. If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving exemption benefits, the exemption shall be immediately forfeited and the member shall pay to the institution all tuition charges and student fees for the current academic term for which the member has received an exemption.

(c) The program shall define those members of the active Florida National Guard ineligible to participate in the program and those courses of study not authorized for the program.

1. Such members shall include, but not be limited to:

a. Any member, commissioned officer or warrant officer or enlisted person, who has a baccalaureate degree.

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

c. Any member who has not completed basic military training.

2. Courses not authorized include noncredit courses, courses which do not meet degree requirements, or courses which do not meet requirements for completion of vocational-technical training.

(d) The Adjutant General, together with the Board of Regents, the State Board of Community Colleges, and the State Board of Education, shall promulgate rules for the overall policy, guidance, administration, implementation, and proper utilization of the program. Such rules shall include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in paragraph (b).

~~(e) The number of National Guard members to receive waivers pursuant to this subsection shall be limited to 1,000 annually.~~

(8) The Department of Military Affairs is authorized to administer an educational tuition assistance program for members of the Florida National Guard who qualify pursuant to subsection (7).

(a) Members of the Florida National Guard as of June 30, 1997, shall be exempt from payment of one-half of tuition and fees subject to the following limitations:

1. Participation in the program shall not exceed a period of 10 years from the date of enrollment in the tuition assistance program, or shall continue until graduation or termination of the full-time or part-time student, whichever occurs earlier.

2. Florida National Guard members shall be admitted on a space-available basis.

(b) Notwithstanding paragraph (a) and subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for members of the Florida National Guard who were members as of June 30, 1997, if a member is unable to obtain admittance on a space-available basis and, at least on one previous occasion, the member was denied admission to the required course.

(c) Subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for members of the Florida National Guard who enlist after June 30, 1997.

Section 3. Subsection (8) of section 240.235, Florida Statutes, is amended to read:

240.235 Fees.—

(8) The Board of Regents shall exempt one-half of all tuition and course-related fees for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10~~(8)(6)~~.

Section 4. Paragraph (a) of subsection (4) of section 240.35, Florida Statutes, 1996 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction.

(4)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10~~(8)(6)~~.

Section 5. This act shall take effect July 1, 1997.

Approved by the Governor May 29, 1997.

Filed in Office Secretary of State May 29, 1997.