

Council Substitute for
Committee Substitute for House Bill No. 685

An act relating to the Educational Dollars for Duty program; amending s. 250.10, F.S.; revising provisions relating to the duties of the Adjutant General; removing the duties of the Board of Governors of the State University System and the State Board of Education with respect to the Educational Dollars for Duty program; providing for education assistance for members of the Florida National Guard who enroll in an authorized course of study at a specified public or nonpublic institution of higher learning; revising the application requirements for the program to include active drilling members; requiring that a member serve in the guard for the period specified in the member's enlistment or reenlistment contract; providing that a member who has obtained a master's degree is ineligible to participate in the program; revising courses not authorized for the program; providing that college preparatory courses are authorized for the program; deleting provisions relating to the State Tuition Exemption Program; authorizing the Department of Military Affairs to pay tuition and fees for current members; providing that members are eligible to use the program upon enlistment; requiring that the department pay the tuition and fees for a member enrolled in a nonpublic postsecondary institution or a nonpublic vocational-technical program which are equal to the amount required to pay for tuition and fees at a public postsecondary education institution or public vocational-technical program; prohibiting participation by certain members; providing for applicability of a requirement to reimburse the department for tuition charges and student fees under specified circumstances; amending s. 1009.21, F.S.; revising a provision relating to the classification of members of the Florida National Guard as residents for tuition purposes; amending s. 1009.26, F.S.; eliminating a reference to educational fee waivers for certain members of the Florida National Guard; providing an effective date.

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

Section 1. Subsections (7), (8), and (9) of section 250.10, Florida Statutes, are amended to read:

250.10 Appointment and duties of the Adjutant General.—

(7) ~~The Adjutant General, the Board of Governors of the State University System, and the State Board of Education shall develop an education assistance program programs for members in good standing of the active Florida National Guard who enroll in an authorized course of study at a public or nonpublic institution of higher learning in the state which has been accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. This program shall be known as the Educational Dollars for Duty program (EDD).~~

(a) The ~~program programs~~ shall set forth application requirements, including, but not limited to, requirements that the applicant:

1. Be 17 years of age or older.
2. Be presently domiciled in the state.
3. Be an active drilling a member and 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. Upon enrollment in ~~the a program specified in subsection (8) or subsection (9)~~, complete a memorandum of agreement to comply with the rules of the program and serve in the active Florida National Guard for the period specified in the member's enlistment or reenlistment contract 3 years after completion of the studies for which an exemption is granted or tuition and fees are paid.

(b) The ~~program programs~~ shall define those members of the active Florida National Guard who are ineligible to participate in the program and those courses of study which are not authorized for the program.

1. Ineligible Such members include, but are not limited to:
 - a. any member, commissioned officer, warrant officer, or enlisted person who has obtained a master's degree using the program 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 that do not meet degree requirements, ~~or~~ courses that do not meet requirements for completion of career training, or other courses as determined by program definitions.
3. College-preparatory courses are authorized for the program.

(c) The Adjutant General, ~~together with the Board of Governors of the State University System and the State Board of Education,~~ shall adopt rules for the overall policy, guidance, administration, implementation, and proper use utilization of the program. Such rules must 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 this section.

~~(8) The Department of Military Affairs may administer a tuition exemption program, known as the State Tuition Exemption Program (STEP), for~~

members of the Florida National Guard who qualify pursuant to subsection (7).

~~(a) Members of the Florida National Guard are exempt from payment of one-half of tuition and fees, subject to the following limitations:~~

~~1. A member may not participate in the STEP Program for more than 10 years following the date of enrollment in the tuition assistance program.~~

~~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 one-half the cost of tuition and fees for required courses for members of the Florida National Guard 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) Courses not authorized include noncredit courses, courses that do not meet degree requirements, or courses that do not meet requirements for completing career training.~~

~~(d) Penalties for noncompliance with program requirements include, but are not limited to:~~

~~1. If 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 that academic term, the member forfeits his or her exemption and shall pay the institution granting the exemption all tuition charges and student fees for the academic term for which the exemption was granted.~~

~~2. If a member of the active Florida National Guard leaves the Florida National Guard during the 3-year period the member has agreed to serve after completing the courses for which an exemption was granted, the member shall reimburse the institution granting the exemption for all tuition charges and student fees for which the member received an exemption, unless the Adjutant General finds that 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 an exemption, the exemption shall be immediately forfeited and the member shall pay the institution granting the exemption all tuition charges and student fees for the academic term for which the exemption was granted.~~

~~4. If a member defaults on any repayment made under this paragraph, the institution may charge the member the maximum interest rate authorized by law.~~

~~(8)(9)~~ Subject to appropriations, the Department of Military Affairs may pay the full cost of tuition and fees for required courses for current members of the Florida National Guard who enlist after June 30, 1997. Members are

eligible to use the program upon enlistment in the Florida National Guard. If a member is enrolled in a nonpublic postsecondary education institution or a nonpublic vocational-technical program, the Department of Military Affairs shall pay an amount equal to the amount that would be required to pay for the average tuition and fees at a public postsecondary education institution or public vocational-technical program. This program shall be known as the Educational Dollars for Duty program (EDD) and is the primary program for these members.

~~(a) A member may participate in the program if he or she maintains satisfactory participation in, and is an active drilling member of, the Florida National Guard. Inactive members of the Florida National Guard and members of the Individual Ready Reserve (IRR) are not eligible to participate in the program. A member may not participate in the EDD program for more than 5 years following the date of eligibility for the program.~~

~~(b) Courses not authorized include noncredit courses, courses that do not meet the degree requirements, or courses that do not meet requirements for completing career training.~~

~~(c) College preparatory classes are authorized courses.~~

~~(b)(d)~~ Penalties for noncompliance with program requirements include, but are not limited to, the following:

1. If a member of the ~~active~~ Florida National Guard receives payment of tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during that academic term, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

2. If a member of the ~~active~~ Florida National Guard leaves the Florida National Guard during the 3-year period specified in the member's enlistment or reenlistment contract ~~the member has agreed to serve after completing the courses for which payments were made~~, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for which the member received payments, regardless of whether the obligation to reimburse the department was incurred before, on, or after July 1, 2009, unless the Adjutant General finds that 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 payments, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

4. If a member defaults on any reimbursement made under this paragraph, the department may charge the member the maximum interest rate authorized by law.

Section 2. Paragraph (a) of subsection (10) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children, and active drilling members of the Florida National Guard ~~who qualify under s. 250.10(7) and (8) for the tuition assistance program.~~

Section 3. Subsection (8) of section 1009.26, Florida Statutes, is amended, and subsections (9) and (10) of that section are renumbered as subsections (8) and (9), respectively, to read:

1009.26 Fee waivers.—

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

Section 4. This act shall take effect July 1, 2009.

Approved by the Governor June 1, 2009.

Filed in Office Secretary of State June 4, 2009.