

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs and Domestic Security Committee

BILL: SB 442

INTRODUCER: Senators Fasano and Wise

SUBJECT: Education Dollars for Duty Program

DATE: March 2, 2009                      REVISED: 03/31/09

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pardue	Skelton	MS	<b>Fav/2 amendments</b>
2.			HE	
3.			TA	
4.			WPSC	
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/>            | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input checked="" type="checkbox"/> | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Senate Bill 442 reorganizes delivery of education assistance for Florida National Guard members into one consolidated program to be known as the Educational Dollars for Duty program. The bill expands education assistance eligibility for current members of the Guard, gives the Adjutant General the sole responsibility for developing and administering the Educational Dollars for Duty program, and grants necessary rule making authority.

The Educational Dollars for Duty Program is subject to appropriation by the Legislature. Reorganization of the program is not expected to have significant additional fiscal impact.

This bill substantially amends the following sections of the Florida Statutes: 250.10, 1009.21 and 1009.26.

**II. Present Situation:**

Section 250.10 (7), F.S., directs the Adjutant General of the Florida National Guard (FNG), the Board of Governors of the State University System, and the State Board of Education to develop education assistance programs for active Florida National Guard members who are in good

standing and enroll in public institutions of higher learning in the state. In order to qualify for education assistance, at a minimum, applicants must:

- Be 17 years of age or older;
- Be presently domiciled in the state; and
- Complete an agreement to serve for three years after completion of studies;

This section also defines members of the FNG who are ineligible to participate in the program. Such members include, but are not limited to:

- Any member who has a baccalaureate degree;
- Any member who has 15 years or more of total military service creditable toward retirement; and
- Any member who has not completed basic training.

Section 250.10 (8), F.S., establishes a tuition exemption program, known as the State Tuition Exemption Program (STEP), for members of the FNG who qualify pursuant to certain requirements or condition. The STEP program provides an exemption of one-half of tuition and fees. Admission is on a space available basis. Members are limited to 10 years of participation in STEP after initial enrollment.

Subject to appropriations, the Department of Military Affairs is authorized to pay one-half of the tuition and fees for required courses if the member is unable to obtain space-available admission and has been previously denied, on at least one occasion, admission to the required course. According to the Board of Governors, only five students received this waiver in the State University System in 2007.

Section 250.10 (9), F.S., authorizes the Department of Military Affairs, subject to appropriations, to pay the full cost of tuition and fees for FNG members taking required courses. Only members who enlisted after June 30, 1997 are eligible for this benefit. This program is known as the Educational Dollars for Duty program (EDD) and is the primary program for these members. Members may not participate in EDD longer than five years after becoming eligible for the program. Appropriations for the EDD program in 2008 were \$1,781,900. Approximately 765 members used the EDD program in 2007-2008.

The Commission on Colleges of the Southern Association of Colleges and Schools is the recognized regional accrediting body in the eleven U. S. Southern states<sup>1</sup> for those institutions of higher education that award associate, baccalaureate, master's or doctoral degrees. Currently there are 75 public and private institutions in Florida accredited by the Commission.<sup>2</sup>

### **III. Effect of Proposed Changes:**

#### **Section 1**

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<sup>1</sup> The eleven Southern states are Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

<sup>2</sup> Commission on Colleges, Southern Association of Colleges and School website at <http://www.sacscoc.org/searchResults.asp>.

Senate Bill 442 reorganizes education assistance for Florida National Guard members into one consolidated program to be known as the Educational Dollars for Duty program.

The bill amends s. 250.10, F.S., placing sole responsibility for developing an education assistance program for FNG members with the Adjutant General.

The bill authorizes FNG members to attend private institutions of higher learning in the state which have been accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. This is in addition to currently authorized attendance at public institutions. The bill requires the Department of Military Affairs to pay for tuition and fees at a non-public post-secondary education institution in an amount equal to the average tuition and fees at a public institution.

Additional changes to program eligibility requirements include:

- A wording change requiring that a member be an active participant in scheduled training and duties and in good standing in the Florida National Guard at the beginning and throughout the entire academic term for which benefits are received;
- Removing a requirement for an agreement to serve for three years after completion of studies. The member instead is only required to serve during the period specified in the member's enlistment or reenlistment contract with no additional commitment required;
- Expanding eligible courses of study to include graduate level studies;
- Removing limitations prohibiting participation by members with 15 or more years of total military service creditable toward retirement or who have not completed basic training; and
- Authorizing enrollment in college-preparatory courses.

The Adjutant General is granted sole authority for rule making to administer the program.

The bill terminates the STEP program.

Senate Bill 442 expands EDD program eligibility to include current members of the FNG and members who have enlisted but not yet completed basic training.

The bill specifies that EDD program participation is limited to members who maintain satisfactory participation and are actively participating in FNG training and duties. Inactive Guard members and members of the Individual Ready Reserve are not eligible to participate.

Members who leave the FNG during the period specified their enlistment or reenlistment contract are required to reimburse the department for all tuition and fee charges paid unless the Adjutant General finds that there are extenuating circumstances.

## **Section 2**

Senate Bill 442 amends s. 1009.21, F.S., relating to determination of resident status for tuition purposes, to reflect that active drilling members of the FNG are classified as residents for tuition purposes.

**Section 3**

The bill amends s.1009.26, F.S., relating to fee waivers, to reflect reference changes in s. 250.10, F.S.

**Section 4**

The bill provides an effective date of July 1, 2009.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill allows members of the FNG to attend private post-secondary institutions and receive education assistance for payment of tuition and fees. This provision may increase the opportunity for private sector institutions to enroll additional students. The fiscal impact is indeterminate because it is unknown how many Guard members may choose to avail themselves of this opportunity.

**C. Government Sector Impact:**

The EDD program remains subject to legislative appropriation. No additional fiscal impact to the Department of Military Affairs is anticipated.

Elimination of the STEP program will have a very small but positive impact on public post-secondary institutions which will no longer have to waive tuition and fees for program participants.

The effect of EDD program changes on public post-secondary institution enrollment is indeterminate but likely negligible.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:****Barcode 736754 by Military Affairs and Domestic Security on March 31, 2009:**

This amendment further defines courses not eligible for EDD program studies to include “other courses as determined by program definitions.”

**Barcode 862620 by Military Affairs and Domestic Security on March 31, 2009:**

Current law requires that FNG members reimburse the department for the cost of their studies if they fail to complete a post studies service obligation. This amendment requires members to reimburse the department for the cost of their studies, regardless of the date the reimbursement obligation was incurred, if they fail to complete their FNG contracts.