

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 a
 5 student loan repayment program within the Department
 6 of Education for assistant state attorneys and
 7 assistant public defenders for a specified purpose;
 8 providing for administration; providing requirements
 9 for eligibility and annual recertification; specifying
 10 that payments are not considered taxable income;
 11 providing procedures for payments; authorizing the
 12 Department of Education to adopt rules; providing for
 13 program funding; providing an effective date.

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

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 17 Section 1. Section 1009.695, Florida Statutes, is created
 18 to read:

19 1009.695 Assistant State Attorney and Assistant Public
 20 Defender Student Loan Repayment Program.—

21 (1) The Assistant State Attorney and Assistant Public
 22 Defender Student Loan Repayment Program is established within
 23 the Department of Education. The purpose of the program is to
 24 increase employment and retention of assistant state attorneys
 25 and assistant public defenders in the public sector by making

26 payments that offset student loans issued or guaranteed by a
27 state or the Federal Government. The department shall administer
28 the program.

29 (2) To be eligible to participate in the program, the
30 assistant state attorney or assistant public defender must meet
31 all of the following requirements:

32 (a) Be a member in good standing of The Florida Bar.

33 (b) Be employed full time by a state attorney or public
34 defender in the state.

35 (c) Have completed not more than a total of 10 years of
36 continuous service as an assistant state attorney or assistant
37 public defender.

38 (d) Be earning a salary of less than \$65,000 as an
39 assistant state attorney or assistant public defender.

40 (e) Not have received any disciplinary action from The
41 Florida Bar.

42 (f) Have an unsatisfied student loan that was issued or
43 guaranteed by a state or the Federal Government.

44 (g) Not be eligible for any other state, local, or federal
45 grant or private fund that assists in student loan repayment.

46 (3) Only student loans that are not in default and that
47 were issued pursuant to the Higher Education Act of 1965, 20
48 U.S.C. ss. 1001 et seq., as amended, to fund a program
49 participant's law school education are eligible for repayment
50 under the program.

51 (4) From the funds available, the Department of Education
52 shall make an annual payment pursuant to subsection (6) as
53 follows:

54 (a) Three thousand dollars if the program participant has
55 a total of at least 4 years, but not more than 7 years, of
56 continuous service as an assistant state attorney or assistant
57 public defender.

58 (b) Five thousand dollars if the program participant has a
59 total of more than 7 years, but not more than 10 years, of
60 continuous service as an assistant state attorney or assistant
61 public defender.

62 (5) All payments are contingent upon continued proof of
63 eligibility through an annual certification affidavit on a form
64 authorized by the department which certifies that the program
65 participant meets all eligibility requirements of this section
66 as of his or her most recent employment anniversary. A program
67 participant must submit such affidavit to his or her employer
68 within 30 days after his or her employment anniversary. If the
69 employer signs such affidavit, the employer must submit the
70 signed annual certification affidavit to the department within
71 60 days after the program participant's most recent employment
72 anniversary.

73 (6) Payments made pursuant to this section do not
74 constitute taxable income to the program participant. Each
75 payment shall be made directly to the financial institution that

76 services the program participant's student loan. If the program
77 participant holds more than one student loan that is eligible
78 for repayment under this section, payment shall be made towards
79 the program participant's student loan that has the highest
80 current interest rate.

81 (7) If funds appropriated are insufficient to provide
82 maximum payment for all program participants' student loans, the
83 department shall reduce payments for all program participants by
84 a proportional amount for the year for which funds appropriated
85 are insufficient.

86 (8) The Department of Education may adopt rules necessary
87 to administer the program.

88 (9) The Assistant State Attorney and Assistant Public
89 Defender Student Loan Repayment Program may be funded annually
90 contingent upon a specific appropriation in the General
91 Appropriations Act.

92 Section 2. This act shall take effect July 1, 2021.