

**Technical Assistance on Senate Bill 122
Waiver for Recipients of Purple Heart or Superior Combat Decorations**

Senate Bill 122 was signed into law June 20, 2006, effective July 1, 2006. This legislation, which amended Florida Statute 1009.26, took effect at the beginning of the 2006-2007 academic year, and provides a fee waiver to recipients of the Purple Heart or other combat decoration superior in precedence if the recipient is enrolling in a Florida public community college or state university, and provided he or she meets specific criteria:

1. Admitted as a full-time, part-time, or summer-school student in an undergraduate program of study leading to a degree or certificate;
2. Is currently, and was at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration, a resident of Florida; and
3. Submits to the community college or university Department of Defense Form 214 (DD-214), issued at the time of separation from service, as documentation that he or she has received a Purple Heart or other combat decoration superior in precedence.

This waiver is applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.

Which combat decorations are included in this waiver provision?

The combat decorations that would qualify students for the provisions of this waiver include:

- Purple Heart
- Bronze Star (must be “V” designation or device)
- Distinguished Flying Cross
- Legion of Merit (must be “V” designation or device)
- Silver Star
- Air Force Cross
- Navy Cross
- Distinguished Service Cross
- Medal of Honor

To be considered a “combat decoration superior in precedence to the Purple Heart,” the Bronze Star and the Legion of Merit must include the “V” designation or device.

Are students enrolled in Associate in Science, Associate in Applied Science, or community college certificate programs eligible for this fee waiver?

Yes, a student enrolled in any associate degree, baccalaureate degree, or career education certificate program at a community college or state university would qualify. Students enrolled in graduate or professional programs are not eligible.

What evidence should be required to show residency at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration?

The burden of proof is on the student to provide one of the following documents evidencing residency in Florida at the time of the military action that resulted in the awarding of the combat decoration:

- DD-214, military separation document
- DD Form 2058, military state of legal residence certificate
- Leave and Earning Statement (LES) or the Defense Finance and Accounting Service (DFAS) Form 702, which specifies place of residence
- Letter or affidavit from the military administrative office verifying residence at the time of combat
- One or more state or federal documents evidencing legal ties to Florida (e.g., homestead exemption, driver's license, vehicle registration)

What evidence should be required to show residency at the current time?

The student must meet the requirements of residency for tuition purposes specified in section (s.) 1009.21, F.S., and Rule 6A-10.044, Florida Administrative Code.

Is continuous residence in Florida from the time of the military action to the time of enrollment in a postsecondary institution required?

No

What evidence is acceptable to show receipt of the Purple Heart or other combat decoration superior in precedence?

A DD-214 documenting the appropriate combat decoration should be the standard eligibility verification document as required by statute.

In situations where admissions or financial aid application deadlines preclude providing a DD-214 in time to meet such a deadline, the official (service specific) transmitting correspondence that would normally accompany such an award to a previously discharged servicemember would suffice until an updated DD-214 could be obtained and presented to the postsecondary institution by the start of the student's next term of enrollment for continued eligibility for the waiver.

In situations where a service member is on active duty and has not been issued a DD-214, the official (service specific) transmitting correspondence that would normally accompany such an award or certification of the appropriate combat award by the service

specific administrative record holder [e.g., Adjutant, G-1 (general staff officer – personnel), or JAG (Judge Advocate General)] would meet the documentation requirement.

Are active duty military personnel eligible for this waiver?

Yes, certain active duty military personnel may be eligible for this waiver. Since these individuals have not been discharged, they will not have the DD-214. However, they may submit other evidence as clarified heretofore.

Does this waiver include tuition and fees?

Yes, but fees are limited to those which are inherent in the cost of tuition and charged to every student regardless of the course(s) in which they are enrolled. For a list of fees not covered by the waiver, please see Florida Statute 1009.23(12).

Does this waiver constitute “countable aid”?

Yes, this waiver is considered “countable aid” for student financial aid purposes. Therefore, if this waiver is administered by an office other than the college of financial aid office, college officials must notify the Director of Financial Aid that a student has qualified for the waiver.

Contact the veterans’ representative at your college or university for more information.