

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 496

SPONSOR: Senator Mitchell

SUBJECT: Educational Benefits for Children of Military Personnel

DATE: February 15, 2002 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cooper</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
2.	<u>Gordon</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
3.	<u>Bryant</u>	<u>Hickam</u>	<u>AED</u>	<u>Favorable</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable</u>
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill provides educational opportunity at state expense for dependent children of military personnel who die or suffer a service-connected 100-percent total and permanent disability in Operation Enduring Freedom, a military operation that began on October 7, 2001.

This bill creates s. 295.0185 of the Florida Statutes.

## II. Present Situation:

Section 295.01, F.S., declares that it is the policy of the state to provide educational opportunity at state expense for dependent children of residents of this state who died in war or as a result of war injuries, or have a service-connected 100-percent total and permanent disability. Sections 295.015 through 295.05, F.S., provide the same benefits for dependent children of resident deceased or disabled veterans who were:

- prisoners of war and persons missing in action during the Korean Conflict or Vietnam Era;
- service members who died or became disabled in Operation Eagle Claw;
- service members who died or became disabled in the Lebanon and Grenada military arenas;
- service members who died in Newfoundland air tragedy;
- service members who died in U.S.S. Stark attack; or
- military personnel who died or became disabled in the Mid-east Persian Gulf military arena during hostilities with Iraq or in the military action in Panama known as Operation Just Cause.

Qualified dependents are eligible to have four years (12 quarters, 8 semesters, or 8 trimesters) of benefits, an amount not to exceed the cost of tuition and fees at a state-supported institution of higher learning, including a community college or vocational-technical school. (Section 240.40242, F.S., expands the scholarship program to students in private colleges in Florida.) To be eligible, dependents must be between the ages of 16 and 22 years, or have begun their course of study before the age of 22 years. Students must be in good standing in their respective institutions to receive these benefits. The Department of Education (DOE) is responsible for administering this program.

Aid recipients are also subject to the requirements of s. 240.404, s. 295.03, s. 295.04, and s. 295.05, F.S. Section 240.404, F.S., lists the general eligibility requirements of students for state financial aid awards, to include acceptance at an eligible school or college and no less than one year of residency in Florida. Section 295.03, F.S., requires aid recipients to maintain discipline and scholarship requirements of the school or college to continue receiving benefits. Section 295.04, F.S., restricts benefits to an amount up to the cost of tuition and fees, and restricts benefits to no more than 12 quarters, 8 semesters, or 8 trimesters. Section 295.05, F.S., clarifies that aid recipients must “be enrolled according to the customary rules and requirements of the institution attended.”

The Legislature is directed to annually fund the program. DOE reports that the average award for FY 2000/01 was \$1,590. Program expenditures for the last five years are as follows:

Year	Private Sector		Public Sector		Total	
	Students	Expenditures	Students	Expenditures	Students	Expenditures
1996-97	0	\$0	64	\$82,293	64	\$82,293
1997-98	4	\$6,159	92	\$127,871	96	\$134,030
1998-99	6	\$12,918	108	\$157,737	114	\$170,655
1999-00	14	\$27,181	128	\$187,680	142	\$214,861
2000-01	14	\$25,484	144	\$225,707	158	\$251,191

Source Department of Education, 12/2001.

**III. Effect of Proposed Changes:**

**Section 1** creates s. 295.0185, F.S., to provide college educational opportunity at state expense for dependent children of military personnel who die or suffer a service-connected 100-percent total and permanent disability in Operation Enduring Freedom, that began on October 7, 2001. The veteran must have been a resident of Florida during the period of military action. If disabled, the veteran must be determined to be disabled by the US Department of Veterans Affairs and be receiving disability retirement pay.

To qualify for benefits, dependent children of military personnel must present either

- a certified copy of a death certificate,
- a valid identification card issued in accordance with the provisions of s. 295.17, F.S.,
- a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or

- a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services.

Finally, the provisions of ss. 240.404, 295.03, 295.04, and 295.05, F.S., apply to this benefit. These provisions address state financial aid award eligibility requirements; discipline and scholarship requirements; benefit limits; and general enrollment requirements.

**Section 2** provides that the act will take effect upon becoming a law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

C. Government Sector Impact:

The state will be responsible for paying for the educational benefits provided in this bill to dependents of military personnel who die or suffer a service-connected 100-percent total and permanent disability in Operation Enduring Freedom. Presently this is not known and indeterminate. The current appropriation with a small increase in need is adequate to meet the costs for this program,

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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