

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 339 Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action

SPONSOR(S): Local Administration, Federal Affairs & Special Districts Subcommittee, Yarkosky

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	17 Y, 0 N, As CS	Burgess	Darden
2) Higher Education Appropriations Subcommittee	13 Y, 0 N	Peters	Smith
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida provides educational opportunity for those dependent children whose parent entered the Armed Forces and died as a result of service-connected injuries, disease, or disability sustained while on active duty. Disability determinations are made by the United States Department of Veterans Affairs enabling certain qualifying servicemembers to receive, among other benefits, an identification card from the Florida Department of Veterans' Affairs (FDVA).

Qualified children and spouses of servicemembers may apply for the Children and Spouses of Deceased or Disabled Veterans (CSDDV) state scholarship program. The FDVA determines eligibility for the CSDDV and the Florida Department of Education (FDOE) disburses the funds.

The bill revises the use of several terms related to educational programs for spouses and dependent children of servicemembers who died or were disabled as a result of their service. The bill replaces the specific requirement for one-year residency for the CSDDV scholarship program and replaces it with verifying eligibility using the Defense Enrollment Eligibility Reporting System (DEERS) or requiring the child or spouse to qualify as a resident for tuition purposes. The bill also makes similar conforming changes to provisions concerning dependent children of prisoners of war, persons missing in action, or who died or were disabled during certain military operations.

The bill has an indeterminate fiscal impact. See Fiscal Comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State Veteran Education Benefits

Florida provides educational opportunity at the state's expense for spouses and dependent children of servicemembers who either die or are disabled as a result of service-connected injuries, disease, or disability sustained while on active duty.¹ To qualify, the servicemember must have been a resident of the state for one year immediately preceding the death or the occurrence of the qualifying disability.² Establishing a qualifying disability requires showing the servicemember was:

- Determined by the United States Department of Veterans Affairs (VA) or its predecessor to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services; or
- Issued a valid identification card by the Florida Department of Veterans' Affairs (FDVA).³

In addition to these requirements, the spouse of a servicemember must have also been a resident of the state for one year immediately preceding the death or occurrence of the qualifying disability. If the spouse claims the benefit on the basis of a deceased servicemember, the spouse must be unmarried at the time of claiming the benefit and make the claim within five years of the servicemember's death. If the spouse claims the benefit on the basis of a disabled servicemember, the spouse and the servicemember must have been married for at least one year prior to the occurrence of the qualifying disability. The spouse is eligible for the benefit only if the marriage has not been terminated by dissolution or annulment.⁴

Florida provides educational benefits to dependent children of prisoners of war, persons missing in action, or who died or were disabled during certain military operations.⁵ To be eligible, the servicemember parent must have been a resident of the state for one year preceding the event that led to the parent's classification as a prisoner of war or missing in action by the United States Government or during certain dates for those who died or were disabled during certain military operations or incidents.⁶

Qualified children and spouses of servicemembers may access these benefits through applying for the Children and Spouses of Deceased or Disabled Veterans (CSDDV) state scholarship program. The FDVA determines eligibility for the CSDDV and the Florida Department of Education (FDOE) determines the funds disbursements. The CSDDV recipients may use the award to cover tuition and registration fees, board and room rent, as well as books and supplies.⁷ For a veteran's dependents to be eligible for the CSDDV scholarship, the veteran must have been a Florida resident for 12 months

¹ S. 295.01, F.S.

² S. 295.01(1), F.S.

³ S. 295.01(1)(b), F.S. The FDVA issues identification cards to veterans who are residents of the state.

⁴ S. 295.01(2)(b), F.S.

⁵ S. 290.015, F.S. (prisoners of war and persons missing in action) and ss. 295.016-295.0195, F.S. (providing benefits for children of servicemembers who died or were disabled in six different military operations).

⁶ S. 295.015(1), F.S.

⁷ S. 295.02, F.S.

immediately preceding the disability award date.⁸ In Fiscal Year (FY) 2021-2022, \$11,454,532 was disbursed to 2,756 CSDDV-qualified students, with an average award amount of \$4,156.⁹

Defense Enrollment Eligibility Reporting System

The Defense Enrollment Eligibility Reporting System (DEERS) serves as the centralized database housing personnel and medical information for the Department of Defense (DoD).¹⁰ The DEERS database contains detailed personnel eligibility information for benefits and entitlements distribution to Uniformed Services¹¹ members, U.S. sponsored Foreign Military members, DoD and Uniformed Services civilians, other personnel as directed by the DoD, and their eligible family members. Key information DEERS captures about the sponsor and family is divided into five major categories:¹²

- Personal (social security number, date of birth, sex, marital status);
- Personnel (organization, pay grade, occupation);
- Service-Related (Service, unit identification code);
- Benefits (eligibility status, including medical, dental and the Montgomery GI Bill education benefits for Active Duty, Guard/Reserve, retired and separated Service members); and
- Geographic (State, ZIP code, address).

Active duty and retired servicemembers are automatically registered in DEERS, but they must register their family members and ensure the information is correct. Once registered in DEERS, servicemembers must keep information updated as personal eligibility information changes. This includes addresses and family status (marriage, divorce, birth, adoption, etc.). To grant access to DEERS records, an authorization form must be completed.

Effect of Proposed Changes

The bill revises the use of several terms relating to educational programs for spouses and dependent children of servicemembers who died or were disabled as a result of their service. For consistency, the bill defines the terms “Armed Forces” and “servicemember” by cross-referencing the definition provided in s. 250.01, F.S. The bill proposes conforming language with the use of the term “servicemember” in lieu of “military personnel,” and replaces the phrase “Armed Forces” in lieu of “Armed Services.” The bill clarifies that definition of “dependent child” for the purpose of the scholarship program is the same as the definition of a dependent child for tuition purposes.¹³

The bill replaces the specific one-year residence eligibility requirement with two methods to prove residency, by showing either:

- Immediately preceding the occurrence of the servicemember's death or disability, Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or
- The child or spouse qualifies as a resident for tuition purposes under s. 1009.21, F.S. and the servicemember is a resident of this state.

⁸ To illustrate, if the veteran is awarded 100% permanent and total disability with an eligibility date of January 15, 2020, the veteran is required to be a Florida resident from January 15, 2019 through January 15, 2020. Veterans cannot receive disability starting January 15, 2020 and wait a year to claim Florida residency for the purpose of the CSDDV scholarship. Residency must be obtained prior to the disability award. FDVA, *Children and Spouses of Deceased or Disabled Veterans (CSDDV) Scholarship Program – Academic Year 2021-22*, available at <https://floridavets.org/wp-content/uploads/2020/11/FDVA-CSDDV-Slides-004.pdf> (last visited February 9, 2023).

⁹ The Office of Student Financial Assistance, *CSDDV End-of-Year Report*, available at https://www.floridastudentfinancialaid.org/PDF/PSI/CSDDV_2021_2022.pdf (last visited February 8, 2023).

¹⁰ Department of Defense, TRICARE Systems Manual 7950, 4-M, Chapter 3, April 6, 2021 (Updated with Revisions through December 5, 2022), available at <https://manuals.health.mil/> (last visited on February 7, 2023).

¹¹ The eight Uniformed Services are: Army, Navy, Marine Corps, Air Force, Space Force, Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration Commissioned Corps, as well as the National Guard and Reserve components of those services. See *id.*

¹² Defense Manpower Data Center, *About DEERS*, available at https://milconnect.dmdc.osd.mil/milconnect/public/faq/DEERS-About_DEERS (last visited February 7, 2023).

¹³ Current law defines a “resident for tuition purposes” as a student or, if the student is a dependent, their parent or parents, who must have established legal residence in this state and must have maintained legal residence in this state for at least 12 consecutive months immediately prior to enrolling in a postsecondary institution. Each postsecondary institution is required to determine whether an applicant meets the residency requirements at the time of initial enrollment. S. 1009.21(2)(a) and (3)(c), F.S.

The bill makes similar conforming changes to provisions concerning dependent children of prisoners of war, persons missing in action, or who died or were disabled during certain military operations.

B. SECTION DIRECTORY:

- Section 1: Amends s. 295.01, F.S., revising eligibility requirements for educational benefits the state provides to a spouse or dependent child of a deceased or disabled servicemember.
- Section 2: Amends s. 295.015, F.S., revising eligibility requirements for educational benefits the state provides to a dependent child of a prisoner of war or a person missing in action.
- Section 3: Amends s. 295.016, F.S., revising eligibility requirements for educational benefits the state provides to a dependent child of a deceased or disabled servicemember who participated in Operation Eagle Claw.
- Section 4: Amends s. 295.017, F.S., revising eligibility requirements for educational benefits the state provides to a dependent child of a deceased or disabled servicemember who participated in the Lebanon and Grenada military operations.
- Section 5: Amends s. 295.0185, F.S., revising eligibility requirements for educational benefits the state provides to a dependent child of a deceased or disabled servicemember who participated in Operation Enduring Freedom or Operation Iraqi Freedom.
- Section 6: Amends s. 295.0195, F.S., revising eligibility requirements for educational benefits the state provides to a dependent child of a deceased or disabled servicemember who participated in the Mideast Persian Gulf military operations or in the military action in Panama known as Operation Just Cause.
- Section 7: Amends 295.02, F.S., conforms cross-references.
- Section 8: Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By expanding CSDDV eligibility, the bill will provide qualifying students increased access to postsecondary education opportunities at reduced costs.

D. FISCAL COMMENTS:

The bill has an indeterminate fiscal impact. On February 22, 2023, the Education Estimating Conference on Student Financial Aid projected there will be 3,897 CSDDV scholarship recipients utilizing the program in FY 2023-2024, at an estimated total cost of \$16.7 million. To the extent the provisions of the bill expand eligibility for the program, additional funding may be required.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 22, 2023, the Local Administration, Federal Affairs & Specials Districts Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment revised a definition by cross-referencing the definition of "Armed Forces" and "servicemember" with the definitions provided in s. 250.01, F.S.

This analysis is drafted to the committee substitute as passed by the Local Administration, Federal Affairs & Special Districts Subcommittee.