

HOUSE OF REPRESENTATIVES STAFF FINAL BILL 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 and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 550

FINAL HOUSE FLOOR ACTION: 111 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 339 passed the House on March 31, 2023, and subsequently passed the Senate on May 4, 2023.

Florida provides educational opportunities for spouses and dependent children of servicemembers who die or are disabled as a result of service-connected injuries, disease, or disability sustained while on active duty. 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.

Qualified children and spouses of servicemembers may access these benefits by applying for the Children and Spouses of Deceased or Disabled Veterans (CSDDV) state scholarship program. The Florida Department of Veterans' Affairs determines eligibility for the CSDDV and the Florida Department of Education disburses the funds.

The bill defines the terms "Armed Forces," "dependent child," and "servicemember" to ensure the terms are consistent for purposes of the educational programs for spouses and dependent children of servicemembers who died or were disabled as a result of their service. The bill replaces the one-year residency requirement for the CSDDV scholarship program with two methods to prove eligibility: by using the Defense Enrollment Eligibility Reporting System 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 persons who died or were disabled during certain military operations.

The bill has an indeterminate fiscal impact on state government but does not appear to have a fiscal impact on local governments.

The bill was approved by the Governor on June 22, 2023, ch. 2023-279, L.O.F., and will become effective on July 1, 2023.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

State Veteran Education Benefits

Florida provides educational opportunities 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 U.S. 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 federal government or during certain date ranges 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. FDVA determines eligibility for the CSDDV and the Florida Department of Education 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 immediately

¹ S. 295.01, F.S.

² S. 295.01(1), F.S.

³ S. 295.01(1)(b), F.S. 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.

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 servicemember (also known as the sponsor in DEERS) and his or her 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 the Bill

The bill defines the terms “Armed Forces” and “servicemember” by cross-referencing the definition provided in s. 250.01, F.S., and ensures these terms are used consistently throughout the sections of law pertaining to the education benefits for spouses and dependent children of servicemembers who die or are disabled as a result of service-connected injuries, disease, or disability sustained while on active duty. The bill clarifies that the 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

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 Mar. 15, 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 Mar. 15, 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 Mar. 15, 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 Mar. 15, 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 replaces the one-year residency 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 DEERS; 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.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

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, or, if insufficient, the Department of Education will have to prorate awards.¹⁴

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:

None.

¹⁴ Office of Economic and Demographic Research, Florida Legislature, *Education Estimating Conference on Student Financial Aid, Executive Summary* (Feb. 17, 2023), available at <http://edr.state.fl.us/Content/conferences/financialaid/ExecSummary.pdf> (last visited April 24, 2023). The proration of awards is specified in administrative rule. Fla. Admin Code R 6A-20.019(7) (2008), available at <https://www.flrules.org/gateway/ruleno.asp?id=6A-20.019&Section=0> (last visited April 24, 2023).