

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 550

INTRODUCER: Senator Burgess

SUBJECT: Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action

DATE: March 28, 2023 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 550 changes a requirement for qualification of certain educational benefits provided to a dependent child or spouse of a disabled or deceased servicemember through the Children/Spouses of Deceased or Disabled Veterans scholarship program (CSDDV) and expands availability of this benefit to include spouses and dependent children of a member of the Florida National Guard or the United States Reserve Forces.

The bill replaces the requirement of a 1-year residency with other factors. These factors are that Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database immediately preceding the death or disability of the servicemember, or that the child or spouse qualifies as a resident for tuition purposes. Qualifying as a resident for tuition purposes means that the child or spouse is a dependent for purposes of tax filings as is the basis for residency for tuition purposes.

For a servicemember who died or was disabled during Operation Eagle Claw, the bill lists as the qualifying date of home of record April 25, 1980.

The bill may have an indeterminate negative fiscal impact to the Department of Education should the number of applicants to the CSDDV increase. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Residency for Tuition Purposes

Students are classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs at charter technical career centers or career centers operated by school districts, Florida College System institutions, and state universities.¹

A dependent child is a person, whether or not living with a parent, who is eligible to be claimed by a parent as a dependent under the federal income tax code.²

Educational Benefits to Dependent Children and Spouses of Servicemembers

The CSDDV provides a higher education benefit to a qualifying child or spouse of a member of the Armed Forces.³ As defined in the CSDDV, a member of the Armed Forces means a member of the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.⁴

If a dependent child or a spouse of a servicemember of the Armed Forces is enrolled at a public institution, and qualifies, the child is eligible for full payment of tuition and registration fees.⁵ CSDDV recipients may also use the award for room and board, and books and supplies.⁶ If the dependent is enrolled at a private qualifying institution, the award is based on the average of the cost required at a public institution for tuition and registration fees.⁷ A dependent enrolled part time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level of fees assessed.⁸ The Department of Education must, if funds are insufficient to award all eligible applicants, prorate awards.⁹

In addition, the Department of Education must notify students and institutions of the student's award eligibility.¹⁰

Contingent upon funding through the General Appropriations Act, the award is available to:

- Children or spouses of deceased or severely disabled veterans or servicemembers if the child's parents have been residents of the state for 1 year immediately preceding the death or disability of the servicemember;¹¹
- Children of prisoners of war or persons missing in action;¹²

¹ Section 1009.21(1), F.S.

² Section 1009.21(1)(a), F.S.

³ Florida Dep't of Veterans Affairs, *Children and Spouses of Deceased or Disabled Veterans (CSDDV) Scholarship Program*, PowerPoint, available at <https://floridavets.org/wp-content/uploads/2020/11/FDVA-CSDDV-Slides-004.pdf> (last visited Mar. 23, 2023).

⁴ Section 250.01(4), F.S.

⁵ Section 295.04(3)(a), F.S.

⁶ Section 295.02(1), F.S.

⁷ Section 295.04(3)(b), F.S.

⁸ Fla. Admin Code R 6A-20.019(6) (2008), available at <https://www.flrules.org/gateway/ruleno.asp?id=6A-20.019&Section=0> (last visited Mar. 24, 2023).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 295.01, F.S.; ch. 20966, s. 1, Laws of Fla.

¹² Section 295.015, F.S.; ch. 72-346, s. 2, Laws of Fla.

- Children of servicemembers who died or became disabled in Operation Eagle Claw¹³
- Children of servicemembers who died or became disabled in the Lebanon and Grenada military arenas;¹⁴
- Children of servicemembers who died in the Newfoundland air tragedy;¹⁵
- Children of deceased or disabled military personnel who died or became disabled in Operation Enduring Freedom or Operation Iraqi Freedom;¹⁶
- Children of servicemembers who died in U.S.S. Stark Attack;¹⁷ and
- Children of servicemembers who died or became disabled in the Mideast Persian Gulf military arena during hostilities with Iraq or in the military action in Panama known as Operation Just Cause.¹⁸

CSDDV Historical Participation and Funding

Fiscal Year	Participants	Total Disbursed (millions)
2020-21	2,301	\$ 9.6 ¹⁹
2021-22	2,756	\$ 11.4 ²⁰
2022-23	3,376	\$ 13.5 ²¹
2023-24 (Estimate)	3,897 ²²	To Be Determined

Defense Enrollment Eligibility Reporting System

The DEERS database, maintained by the United States Department of Defense (DoD) provides personal information on each active duty or former servicemember, a member of a reserve component, a DoD contractor, or a person otherwise connected to the military and their family

¹³ Section 295.016, F.S.; ch. 81-275, s. 1, Laws of Fla.

¹⁴ Section 295.017, F.S.; ch. 86-177, s. 1, Laws of Fla.

¹⁵ Section 295.018, F.S.; ch. 86-177, s. 2, Laws of Fla.

¹⁶ Section 295.0185, F.S.; ch. 2002-279, s.1, Laws of Fla.

¹⁷ Section 295.019, F.S.; ch. 88-290, s. 32, Laws of Fla.

¹⁸ Section 295.0195, F.S.; ch. 91-166, s. 2, Laws of Fla.

¹⁹ Florida Dep’t of Education, Office of Student Financial Assistance, *End of Year Report 2020-21, Scholarships for Children/Spouses of Deceased or Disabled Veterans (CSDDV)*, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/CSDDV_2020_2021.pdf (last visited Mar. 24, 2023).

²⁰ Florida Dep’t of Education, Office of Student Financial Assistance, *End of Year Report 2021-22, Scholarships for Children/Spouses of Deceased or Disabled Veterans (CSDDV)*, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/CSDDV_2021_2022.pdf (last visited Mar. 24, 2023).

²¹ 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 Mar. 24, 2023). Line 66, 2022-2023 GAA.

²² 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 Mar. 24, 2023).

members.²³ Information maintained on DEERS includes name, gender, date of birth, social security number, names of family members, and official home of record.²⁴

The ability to change your home of record in DEERS is very limited. In most cases, individuals will not be allowed to change their home of record. However, a change is allowed if:

- The home of record was originally recorded incorrectly; or
- A servicemember is reinstated, reappointed, or reenlisted if there is a break in service of more than 1 full day.²⁵

If the home of record was originally recorded incorrectly, a change can be authorized. The individual must provide supporting documentation to justify the change, and in every case the burden is on the individual to justify a change to the home of record to file.²⁶

State of Legal Residence vs. Home of Record

A servicemember's home of record in DEERS is the place from which he or she entered the military. It is not necessarily where the servicemember says he or she is from. For example, if a servicemember is from Maryland, but went to college in Florida and entered the military in Florida, then Florida would be the home of record. Home of records don't change unless information was entered incorrectly, or a servicemember leaves the military and then rejoins with a break in service. Homes of record are used for certain travel allowances, particularly when leaving military service.²⁷

A state of legal residence, or domicile or legal domicile, is the place where the servicemember thinks of as home, the state where he or she intends to live after leaving the military. A state of legal residence may change throughout a servicemember's life.

Effect of Proposed Changes:

SB 550 changes a requirement for qualification of certain educational benefits provided to a dependent child or spouse of a disabled or deceased servicemember through the CSDDV scholarship program and expands availability of this benefit to include family of a member of the Florida National Guard or the United States Reserve Forces.

The bill replaces the requirement of a 1-year residency with other factors. These factors are that Florida was listed as the servicemember's official home of record in the DEERS database immediately preceding the death or disability of the servicemember, or that the child or spouse

²³ Dep't of Defense, Defense Manpower Data Center, *About DEERS*, available at https://milconnect.dmdc.osd.mil/milconnect/public/faq/DEERS-About_DEERS (last visited Mar. 23, 2023).

²⁴ Dep't of Defense, Defense Manpower Data Center, *Updating and Correcting DEERS Data*, available at https://milconnect.dmdc.osd.mil/milconnect/public/faq/DEERS-Updating_and_Correcting_DEERS_Data (last visited Mar. 24, 2023).

²⁵ 7th Army Training Command, *7th Army Training Command Legal Assistance Information – Home of Record Change*, available at https://www.7atc.army.mil/Portals/17/Documents/SJA/Home_of_Record_Change_NEW.pdf (last visited Mar. 24, 2023).

²⁶ *Id.*

²⁷ Military.com, *Residence vs. Home of Record*, available at <https://www.military.com/paycheck-chronicles/2015/02/27/residence-vs-home-record> (last visited Mar. 24, 2023).

qualifies as a resident for tuition purposes. Qualifying as a resident for tuition purposes means that the child or spouse is a dependent for purposes of tax filings as is the basis for residency for tuition purposes.

For a dependent child of a servicemember who died or was disabled during Operation Eagle Claw, the bill specifies that to qualify, Florida must have been listed in DEERS as the servicemember's official home of record on April 25, 1980, or the dependent child must qualify as a resident for tuition purposes and the servicemember, if living, is a resident of this state.

For a dependent child of a servicemember who died or was disabled during Operation Urgent Fury, Operation Enduring Freedom, Operation Iraqi Freedom, Operation Desert Shield, or Operation Just Cause, the bill specifies that to qualify, Florida must have been listed in DEERS as the servicemember's official home of record during the period of military action, or the dependent child must qualify as a resident for tuition purposes and the servicemember, if living, is a resident of this state.

The bill takes effect July 1, 2023.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

In changing the requirements for qualification for the CSDDV and expanding the program to include a servicemember of the Florida National Guard or the United States Reserve Forces, additional dependents and spouses may be eligible for the CSDDV.

C. Government Sector Impact:

Any potential increase in applicants as a result of the revised qualification requirements to the CSDDV under this bill is unknown. The bill may have an indeterminate negative fiscal impact to the Department of Education should the number of applicants increase; however, the Department of Education must, if appropriated funds are insufficient to award all eligible applicants, prorate awards.²⁸

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.01, 295.015, 295.016, 295.017, 295.0185, 295.0195, and 295.02.

VIII. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁸ 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 Mar. 24, 2023).