

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Burgess

583-03300-23

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1 A bill to be entitled

2 An act relating to education of dependents of deceased
3 or disabled servicemembers, prisoners of war, and
4 persons missing in action; amending s. 295.01, F.S.;
5 defining terms; revising eligibility requirements for
6 educational benefits provided by the state to a spouse
7 or dependent child of a deceased or disabled
8 servicemember; amending s. 295.015, F.S.; revising
9 eligibility requirements for educational benefits
10 provided by the state to a dependent child of a
11 prisoner of war or a person missing in action;
12 amending ss. 295.016, 295.017, 295.0185, and 295.0195,
13 F.S.; revising eligibility requirements for
14 educational benefits provided by the state to a
15 dependent child of a deceased or disabled
16 servicemember who participated in certain military
17 operations; amending s. 295.02, F.S.; conforming
18 cross-references; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 295.01, Florida Statutes, is amended to
23 read:

24 295.01 ~~Children of deceased or disabled veterans;~~ Spouses
25 and dependent children of deceased or disabled servicemembers;
26 education.—

27 (1) As used in this section, the terms "Armed Forces" and
28 "servicemember" shall have the same meanings as provided in s.
29 250.01.

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30 (2) (a) ~~(1)~~ It is the policy of the state to provide
31 educational opportunity at state expense for a dependent child,
32 as defined in s. 1009.21(1), of a servicemember who ~~children~~
33 ~~either of whose parents entered the Armed Forces and:~~

34 1. ~~(a)~~ Died as a result of service-connected injuries,
35 disease, or disability sustained while on active duty; or

36 2. ~~(b)~~ Has been:

37 a. ~~1.~~ Determined by the United States Department of Veterans
38 Affairs or its predecessor to have a service-connected 100-
39 percent total and permanent disability rating for compensation;

40 b. ~~2.~~ Determined to have a service-connected total and
41 permanent disability rating of 100 percent and is in receipt of
42 disability retirement pay from any branch of the United States
43 Armed Forces Services; or

44 c. ~~3.~~ Issued a valid identification card by the Department
45 of Veterans' Affairs in accordance with s. 295.17~~7~~

46
47 ~~when the parents of such children have been residents of the~~
48 ~~state for 1 year immediately preceding the death or the~~
49 ~~occurrence of such disability, and subject to the rules,~~
50 ~~restrictions, and limitations set forth in this section.~~

51 (b) The dependent child of a deceased servicemember is
52 eligible for educational benefits under this section if:

53 1. Immediately preceding the death of the servicemember,
54 Florida was listed as the servicemember's official home of
55 record in the Defense Enrollment Eligibility Reporting System
56 (DEERS) database for at least 6 months; or

57 2. The child qualifies as a resident for tuition purposes
58 under s. 1009.21.

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59 (c) The dependent child of a disabled servicemember is
 60 eligible for educational benefits under this section if:

61 1. Immediately preceding the occurrence of the
 62 servicemember's disability, Florida was listed as the
 63 servicemember's official home of record in the Defense
 64 Enrollment Eligibility Reporting System (DEERS) database for at
 65 least 6 months; or

66 2. The child qualifies as a resident for tuition purposes
 67 under s. 1009.21 and the servicemember has been a resident of
 68 this state for at least 6 months.

69
 70 All rules, restrictions, and limitations set forth in this
 71 section shall apply.

72 (3)(2) It is also the declared policy of the this state to
 73 provide educational opportunity at state expense for spouses of
 74 deceased or disabled servicemembers.

75 (a) The unremarried spouse of a deceased servicemember is
 76 eligible for educational, as defined in s. 250.01, qualifies for
 77 the benefits under this section:

78 1. If the servicemember and his or her spouse had been
 79 residents of the state for 1 year immediately preceding the
 80 servicemember's death and the servicemember's death occurred
 81 under the circumstances provided in subsection (1); and

82 2. if the unremarried spouse applies to use the benefit
 83 within 5 years after the servicemember's death and:

84 1. Immediately preceding the servicemember's death, Florida
 85 was listed as the servicemember's official home of record in the
 86 Defense Enrollment Eligibility Reporting System (DEERS) database
 87 for at least 6 months; or

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88 2. The spouse qualifies as a resident for tuition purposes
89 under s. 1009.21.

90 (b) The dependent spouse of a disabled servicemember is
91 eligible for educational, ~~as defined in s. 250.01, qualifies for~~
92 ~~the~~ benefits under this section~~;~~

93 ~~1.~~ if the servicemember and his or her spouse have been
94 married to each other for 1 year~~;~~ and~~;~~

95 1.2. ~~If the servicemember and his or her spouse have been~~
96 ~~residents of the state for 1 year~~ Immediately preceding the
97 occurrence of the servicemember's disability, Florida was listed
98 as the servicemember's official home of record in the Defense
99 Enrollment Eligibility Reporting System (DEERS) database for at
100 least 6 months; or

101 2. The spouse qualifies as a resident for tuition purposes
102 under s. 1009.21 and the servicemember has been a resident of
103 this state for at least 6 months. ~~and the disability meets the~~
104 ~~criteria set forth in subsection (1); and~~

105 ~~(c)3.~~ The eligibility for educational benefits under
106 paragraph (b) applies only during the duration of the marriage
107 and up to the point of termination of the marriage by
108 dissolution or annulment.

109
110 All rules, restrictions, and limitations set forth in this
111 section shall apply.

112 ~~(4)(3)~~ Sections 295.03-295.05 and 1009.40 shall apply.

113 ~~(5)(4)~~ The State Board of Education shall adopt rules for
114 administering this section.

115 ~~(6)(5)~~ A child or spouse of a servicemember may receive
116 benefits under either this section or s. 295.061.

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117 Section 2. Section 295.015, Florida Statutes, is amended to
118 read:

119 295.015 Children of prisoners of war and persons missing in
120 action; education.—

121 (1) It is ~~hereby declared to be~~ the policy of the state to
122 provide educational opportunity at state expense for a dependent
123 child of a parent who ~~children either of whose parents~~ has been
124 classified as a prisoner of war or missing in action in the
125 service of the United States Armed Forces ~~of the United States~~
126 or in the capacity of civilian personnel captured while serving
127 with the consent or authorization of the United States
128 Government. Such educational opportunity shall be provided until
129 such time as the parent so classified is returned alive or the
130 parent's remains are recovered.

131 (2) A dependent child is eligible for educational benefits
132 under this section if:

133 (a) Immediately; provided that, in order to be eligible,
134 ~~the parents of such children must have been residents of the~~
135 ~~state for 1 year~~ preceding the event that led to the parent's
136 classification as a prisoner of war or missing in action by the
137 United States Government, Florida was listed as the parent's
138 official home of record in the Defense Enrollment Eligibility
139 Reporting System (DEERS) database for at least 6 months; or

140 (b) The child qualifies as a resident for tuition purposes
141 under s. 1009.21 and the parent has been a resident of this
142 state for at least 6 months.

143 (3)(2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
144 ~~295.05~~ and 1009.40 shall apply.

145 Section 3. Section 295.016, Florida Statutes, is amended to

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146 read:

147 295.016 Children of servicemembers who died or became
148 disabled in Operation Eagle Claw; education.—

149 (1) It is the ~~hereby declared to be~~ a policy of the state
150 to provide educational opportunity at state expense for a ~~the~~
151 dependent child ~~children~~ of a ~~any~~ servicemember who died or
152 suffered a service-connected 100-percent total and permanent
153 disability rating for compensation as determined by the United
154 States Department of Veterans Affairs, or who has been
155 determined to have a service-connected total and permanent
156 disability rating of 100 percent and is in receipt of disability
157 retirement pay from any branch of the United States Armed Forces
158 Services, while participating in the Iranian rescue mission
159 known as Operation Eagle Claw, ~~which servicemember was residing~~
160 ~~in the state on April 25, 1980.~~

161 (a) A certified copy of a death certificate, a valid
162 identification card issued by the Department of Veterans'
163 Affairs in accordance with s. 295.17, a letter certifying the
164 service-connected 100-percent total and permanent disability
165 rating for compensation from the United States Department of
166 Veterans Affairs, or a letter certifying the service-connected
167 total and permanent disability rating of 100 percent for
168 retirement pay from any branch of the United States Armed Forces
169 is Services shall be prima facie evidence ~~of the fact~~ that the
170 dependent child ~~children~~ of the servicemember is ~~are~~ eligible
171 for educational ~~such~~ benefits.

172 (b) In addition to the requirement provided in paragraph
173 (a), a dependent child is eligible for educational benefits
174 under this section if:

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175 1. On April 25, 1980, Florida was listed as the
176 servicemember's official home of record in the Defense
177 Enrollment Eligibility Reporting System (DEERS) database; or

178 2. The child qualifies as a resident for tuition purposes
179 under s. 1009.21 and the servicemember, if living, has been a
180 resident of this state for at least 6 months.

181 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
182 ~~295.05~~ and 1009.40 shall apply.

183 Section 4. Section 295.017, Florida Statutes, is amended to
184 read:

185 295.017 Children of servicemembers who died or became
186 disabled in the Lebanon and Grenada military arenas; education
187 ~~educational opportunity.~~

188 (1) It is ~~hereby declared to be~~ the policy of the state to
189 provide educational opportunity at state expense for a ~~the~~
190 dependent child ~~children~~ of a ~~any~~ servicemember who died or
191 suffered a service-connected 100-percent total and permanent
192 disability rating for compensation as determined by the United
193 States Department of Veterans Affairs, or who has been
194 determined to have a service-connected total and permanent
195 disability rating of 100 percent and is in receipt of disability
196 retirement pay from any branch of the United States Armed Forces
197 ~~Services~~, while participating in a Multinational Peace Keeping
198 Force in Lebanon ~~during the period~~ from September 17, 1982,
199 through February 3, 1984, inclusive, or while participating ~~as a~~
200 ~~participant~~ in Operation Urgent Fury in Grenada ~~during the~~
201 ~~period~~ from October 23, 1983, through November 2, 1983,
202 inclusive, ~~which servicemember was residing in the state during~~
203 ~~those periods of military action.~~

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204 (a) A certified copy of a death certificate, a valid
 205 identification card issued by the Department of Veterans'
 206 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
 207 certifying the service-connected 100-percent total and permanent
 208 disability rating for compensation from the United States
 209 Department of Veterans Affairs, or a letter certifying the
 210 service-connected total and permanent disability rating of 100
 211 percent for retirement pay from any branch of the United States
 212 Armed Forces is Services shall be prima facie evidence ~~of the~~
 213 ~~fact~~ that the dependent child children of the servicemember is
 214 ~~are~~ eligible for educational ~~such~~ benefits.

215 (b) In addition to the requirement provided in paragraph
 216 (a), a dependent child is eligible for educational benefits
 217 under this section if:

218 1. During either period of military action, Florida was
 219 listed as the servicemember's official home of record in the
 220 Defense Enrollment Eligibility Reporting System (DEERS)
 221 database; or

222 2. The child qualifies as a resident for tuition purposes
 223 under s. 1009.21 and the servicemember, if living, has been a
 224 resident of this state for at least 6 months.

225 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
 226 ~~295.05~~ and 1009.40 shall apply.

227 Section 5. Section 295.0185, Florida Statutes, is amended
 228 to read:

229 295.0185 Children of servicemembers who died or became
 230 ~~deceased or disabled military personnel who die or become~~
 231 disabled in Operation Enduring Freedom or Operation Iraqi
 232 Freedom; education ~~educational opportunity~~.-

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233 (1) It is ~~declared to be~~ the policy of the state to provide
234 educational opportunity at state expense for a the dependent
235 child children of a servicemember who died or suffered those
236 ~~military personnel who die or suffer~~ a service-connected 100-
237 percent total and permanent disability rating for compensation
238 as determined by the United States Department of Veterans
239 Affairs, or who has been ~~are~~ determined to have a service-
240 connected total and permanent disability rating of 100 percent
241 and is ~~are~~ in receipt of disability retirement pay from any
242 branch of the United States Armed Forces Services, while
243 participating in Operation Enduring Freedom, which began on
244 October 7, 2001, or while participating in Operation Iraqi
245 Freedom, which began on March 19, 2003, ~~if such military~~
246 ~~personnel have been residents of the state during the period of~~
247 ~~military action.~~

248 (a) A certified copy of a death certificate, a valid
249 identification card issued by the Department of Veterans'
250 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
251 certifying the service-connected 100-percent total and permanent
252 disability rating for compensation from the United States
253 Department of Veterans Affairs, or a letter certifying the
254 service-connected total and permanent disability rating of 100
255 percent for retirement pay from any branch of the United States
256 Armed Forces Services is prima facie evidence that the dependent
257 child children of such servicemember is ~~military personnel~~ are
258 eligible for educational benefits.

259 (b) In addition to the requirement provided in paragraph
260 (a), a dependent child is eligible for educational benefits
261 under this section if:

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262 1. During either period of military action, Florida was
263 listed as the servicemember's official home of record in the
264 Defense Enrollment Eligibility Reporting System (DEERS)
265 database; or

266 2. The dependent child qualifies as a resident for tuition
267 purposes under s. 1009.21 and the servicemember, if living, has
268 been a resident of this state for at least 6 months.

269 (2) Sections 295.03-295.05 and 1009.40 shall apply.

270 Section 6. Section 295.0195, Florida Statutes, is amended
271 to read:

272 295.0195 Children of servicemembers ~~deceased or disabled~~
273 ~~military personnel~~ who died or became disabled in the Mideast
274 Persian Gulf military arena during hostilities with Iraq or in
275 the military action in Panama known as Operation Just Cause;
276 education.-

277 (1) It is ~~hereby declared to be~~ the policy of the state to
278 provide educational opportunity at state expense for a the
279 dependent child ~~children~~ of a servicemember ~~those military~~
280 ~~personnel~~ who died or suffered a service-connected 100-percent
281 total and permanent disability rating for compensation as
282 determined by the United States Department of Veterans Affairs,
283 or who has ~~have~~ been determined to have a service-connected
284 total and permanent disability rating of 100 percent and is ~~are~~
285 in receipt of disability retirement pay from any branch of the
286 United States Armed Forces, while participating in the Mideast
287 Persian Gulf arena during hostilities with Iraq, which began as
288 Operation Desert Shield on August 5, 1990, through cessation of
289 those hostilities, inclusive, or while participating in the
290 military action in Panama known as Operation Just Cause during

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291 December 1989, ~~if such military personnel were residents of the~~
 292 ~~state during the period of military action.~~

293 (a) A certified copy of a death certificate, a valid
 294 identification card issued by the Department of Veterans'
 295 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
 296 certifying the service-connected 100-percent total and permanent
 297 disability rating for compensation from the United States
 298 Department of Veterans Affairs, or a letter certifying the
 299 service-connected total and permanent disability rating of 100
 300 percent for retirement pay from any branch of the United States
 301 Armed Forces is ~~shall be~~ prima facie evidence ~~of the fact~~ that
 302 the dependent child ~~children~~ of such servicemember is ~~military~~
 303 ~~personnel~~ are eligible for educational benefits.

304 (b) In addition to the requirement provided in paragraph
 305 (a), a dependent child is eligible for educational benefits
 306 under this section if:

307 1. During either period of military action, Florida was
 308 listed as the servicemember's official home of record in the
 309 Defense Enrollment Eligibility Reporting System (DEERS)
 310 database; or

311 2. The child qualifies as a resident for tuition purposes
 312 under s. 1009.21 and the servicemember, if living, has been a
 313 resident of this state for at least 6 months.

314 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
 315 ~~295.05~~ and 1009.40 shall apply.

316 Section 7. Subsections (1) and (2) of section 295.02,
 317 Florida Statutes, are amended to read:

318 295.02 Use of funds; age, etc.—

319 (1) Sums appropriated and expended to carry out the

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320 provisions of s. 295.01(2) ~~s. 295.01(1)~~ may be used to pay
321 tuition and registration fees, board, and room rent and to buy
322 books and supplies for the children of deceased or disabled
323 veterans or servicemembers, as defined and limited in s. 295.01,
324 s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or
325 s. 295.0195, or of parents classified as prisoners of war or
326 missing in action, as defined and limited in s. 295.015, who are
327 between the ages of 16 and 22 years and who are in attendance at
328 an eligible postsecondary education institution as defined in s.
329 295.04. Any child having entered upon a course of training or
330 education under the provisions of this chapter, consisting of a
331 course of not more than 4 years, and arriving at the age of 22
332 years before the completion of such course may continue the
333 course and receive all benefits of the provisions of this
334 chapter until the course is completed.

335 (2) Sums appropriated and expended to carry out the
336 provisions of s. 295.01(3) ~~s. 295.01(2)~~ may be used to pay
337 tuition and registration fees, board, and room rent and to buy
338 books and supplies for the spouses of deceased or disabled
339 veterans or servicemembers, as defined and limited in s. 295.01,
340 who are enrolled at an eligible postsecondary education
341 institution as defined in s. 295.04.

342 Section 8. This act shall take effect July 1, 2023.