

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1065 CS Educational Opportunities for Children and Spouses of Deceased or Disabled Veterans and Servicemembers  
**SPONSOR(S):** Jordan  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2034

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Community Colleges &amp; Workforce Committee</u>	<u>6 Y, 0 N</u>	<u>Thomas</u>	<u>Ashworth</u>
2) <u>Military &amp; Veteran Affairs Committee</u>	<u>7 Y, 0 N</u>	<u>Marino</u>	<u>Cutchins</u>
3) <u>Education Appropriations Committee</u>	<u>15 Y, 0 N, w/CS</u>	<u>Hammock</u>	<u>Hamon</u>
4) <u>Education Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

The bill provides educational opportunity for spouses of deceased or certain disabled service members with the following requirements:

- An unremarried spouse of a deceased servicemember qualifies if:
  - spouse and servicemember were residents of the state for 1 year preceding the servicemember's death; and
  - unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- A dependent spouse of a disabled servicemember qualifies:
  - if married to the servicemember for 1 year; and
  - if spouse and servicemember were residents of the state for 1 year preceding the occurrence of the servicemember's disability and the disability is a service-connected 100-percent permanent and total disability as determined by the United States Department of Veterans Affairs or its predecessors; and
  - only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

The bill provides that the funds appropriated for this provision may only be used for tuition and registration fees at state-supported institutions of higher learning, including community colleges and career centers.

The bill also removes language restricting educational opportunities to children of POWs and MIAs of only the Korean Conflict and the Vietnam War. Removing this language allows children of all individuals who become classified as POWs or MIAs while serving in the United States Armed Forces to participate in the program.

The effective date provided is July 1, 2006.

The fiscal impact of the bill is indeterminate. Please see "Fiscal Comments" for further information.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Empower families** – The bill allows educational opportunity for spouses of deceased or certain disabled servicemembers.

### B. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Scholarships for Children of Deceased or Disabled Veterans

Section 295.01, F.S., provides educational opportunity at state expense for children of a member of the U.S. Armed Forces if the military member entered the Armed Forces while a resident of Florida and died from service-related injuries, disease, or disability while on active-duty or was determined by the U.S. Department of Veterans Affairs to have a 100-percent permanent and total service-related disability. In addition, the parents must have been residents of Florida for one year preceding the death or occurrence of such disability.

Effective July 1, 2005, the statute was amended to include children of deceased or disabled military personnel who die or become disabled in Operation Iraqi Freedom, and reduced the number of years required for the parents to be Florida residents preceding the death or disability from five years to one year. As a result, the projected number of awards has increased for fiscal years 2005-2006 and 2006-2007.

The chart below tracks the program's appropriations and cost, and the number of participating students over the last few years<sup>1</sup> as well as projections for fiscal years 2005-2006 and 2006-2007.

Fiscal Year	Number of Awards	Average Award*	Expended Funds	Appropriation Amount
1999-00	142	\$1,513	\$214,861	\$333,250
2000-01	158	\$1,590	\$251,191	\$333,250
2001-02	168	\$1,768	\$297,062	\$333,250
2002-03	151	\$1,961	\$296,130	\$333,250
2003-04	157	\$2,053	\$322,294	\$333,250
2004-05	149	\$2,105	\$313,691	\$333,250
2005-06	170**	\$2,254**	TBD	\$383,250
2006-07	197**	\$2,323**	TBD	\$457,723***

\*The maximum award differs per student as it is equal to the tuition and fees at a public postsecondary institution.

\*\* Projected

\*\*\*HB 5001, 2006 General Appropriations Act

##### Student Eligibility for Children of Deceased or Disabled Veterans

Eligible students are required to:

- Submit a completed Florida Financial Aid Application for students by April 1.
- Be a dependent child between the ages of 16 years and 22 years of a Florida qualified veteran by the Florida Department of Veterans' Affairs.

<sup>1</sup> Office of Student Financial Assistance, Florida Department of Education, "2003-04 Annual Report to the Commissioner," November 2004, page 19.

- Meet Florida's general eligibility requirements.
- Be enrolled in an undergraduate degree or certificated program.
- Be enrolled for a minimum of six credit hours, 180 clock hours, or the equivalent, per term at an eligible postsecondary institution.
- Not be in default on any federal Title IV or state student loan program unless satisfactory arrangements to repay have been made.
- Not have previously received a bachelor's degree.

#### Federal Law:

Under current federal legislation, U. S. Department of Veterans Affairs education benefits are available to qualifying spouses and children of veterans who died of a service-connected disability.

Benefits include payment of a monthly education or training allowance and may be awarded for pursuit of associate, bachelor, or graduate degrees at colleges and universities, including independent study, cooperative training and study abroad programs. Funds may be used to cover more than tuition and books.

Courses leading to a certificate or diploma from business, technical or vocational schools also may be taken.

Effective Oct. 1, 2004, the rate of compensation is \$803 a month for full-time school attendance, with lesser amounts for part-time training. A person may receive educational assistance for full-time training for up to 45 months or the equivalent in part-time training.

Payments to a spouse end 10 years from the date the individual is found eligible or from the date of the death of the veteran. Children generally must be between the ages of 18 and 26 to receive education benefits, though extensions may be granted.

#### Children of Prisoners of War and Persons Missing in Action

Section 295.015, F.S., provides educational opportunity at state expense for dependent children of a parent who is classified as a prisoner of war or missing in action in the service of the Armed Forces of the United States during the Korean Conflict or during the Vietnam Era.

#### **Effect of Proposed Changes:**

##### Spouses of Deceased or Disabled Servicemembers

The bill provides educational opportunity for spouses of deceased or certain disabled service members with the following requirements:

- An unremarried spouse of a deceased servicemember qualifies if:
  - spouse and servicemember were residents of the state for 1 year preceding the servicemember's death; and
  - unremarried spouse applies to use the benefit within 5 years after the servicemember's death.
- A dependent spouse of a disabled servicemember qualifies:
  - if married to the servicemember for 1 year; and
  - if spouse and servicemember were residents of the state for 1 year preceding the occurrence of the servicemember's disability and the disability is a service-connected 100-percent permanent and total disability as determined by the United States Department of Veterans Affairs or its predecessors; and
  - only during the duration of the marriage and up to the point of termination of the marriage by dissolution or annulment.

Though the bill provides for spouses or deceased or disabled servicemembers rather than veterans, which by statute are two different classifications (s. 1.01(14) and 250.01 respectively), the bill requires the same deceased and disability eligibility requirements as required for children of deceased and disabled veterans. (s. 295.01(1)).

The bill provides that the funds appropriated for this provision may only be used for tuition and registration fees at state-supported institutions of higher learning, including community colleges and career centers.

#### Children of Prisoners of War and Persons Missing in Action

The bill provides educational opportunity at state expense for dependent children of a parent who is classified as a prisoner of war or missing in action in the service of the Armed Forces of the United States. There is no longer a restriction to the Korean Conflict and Vietnam War.

It is believed that only two children in the state will be affected by this change. Floridian Scott Spiker was a pilot shot down in the opening days of the Gulf War in 1991. His official status is missing in action.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 295.01, F.S.; providing that it is the declared policy of the state to provide educational opportunity at state expense for spouses of deceased or certain disabled servicemembers; providing criteria for qualification for such benefits for unremarried spouses of deceased servicemembers and dependent spouses of certain disabled servicemembers; specifying uses of funds appropriated for such educational opportunities.

Section 2. Amends s. 295.02, F.S.; relating to the use of funds for educational opportunities provided to children of deceased or disabled veterans and spouses of deceased or disabled veterans.

Section 3. Amends s. 295.03, F.S.; relating to withdrawal of benefits upon failure to comply with minimum educational requirements; revising terminology.

Section 4. Amends s. 295.05, F.S.; relating to enrollment as a prerequisite to receipt of benefits; revising terminology.

Section 5. Amends s. 295.015, F.S.; relating to educational opportunities for children of prisoners of war and persons missing in action.

Section 6. Providing an effective date of July 1, 2006.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

The fiscal impact on state government expenditures is indeterminate. It is unknown how many students would be eligible and apply for this benefit. See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

None

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None

**D. FISCAL COMMENTS:**

It is unknown how many 100-percent permanently and totally disabled veterans entered the military in Florida, were residents for one year preceding disability, or were married at the time of their disability. It is also unknown the number of spouses without children who might also be eligible.

The Department of Education has projected 197 eligible children awardees for fiscal year 2006-2007. Assuming each awardee has a parent that would be eligible, the additional number of awardees would be 197. To maintain the award level in HB 5001, 2006 General Appropriations Act, the appropriation of \$457,723 would need to be doubled.

It is believed that only two children in the state will be affected by the expansion of the educational opportunities for children of POWs and MIAs.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

The State Board of Education currently has rulemaking authority regarding this issue under s. 295.01, F.S.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

April 11, 2006, the Educational Appropriations Committee adopted two amendments that:

- Clarify age limitations apply only to the children of deceased or disabled veterans and not eligible spouses.
- Removes language restricting educational opportunities to children of POWs and MIAs of only the Korean Conflict and the Vietnam War.