

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 35 Educational Opportunities for Dependent Children of Servicemembers or Civilian Personnel Classified as Prisoners of War or Missing in Action

**SPONSOR(S):** Jordan and others

**TIED BILLS:**

**IDEN./SIM. BILLS:** CS/SB 412

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Postsecondary Education</u>	<u>9 Y, 0 N</u>	<u>Thomas</u>	<u>Tilton</u>
2) <u>Schools &amp; Learning Council</u>	<u>11 Y, 0 N, As CS</u>	<u>Thomas</u>	<u>Cobb</u>
3) <u>Policy &amp; Budget Council</u>	<u></u>	<u>Davila</u>	<u>Hansen</u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

CS/HB 35 expands the requirement that the state provide educational opportunities for citizens of Florida who have a parent classified as a prisoner of war or missing in action while serving with the consent or authorization of the United States Government.

CS/HB 35:

- deletes the restriction in current law that limits the education benefits to children whose parents served in the Korean Conflict or the Vietnam Era;
- reduces the Florida residency requirement from 5 years to 1 year prior to an event resulting in said parent being declared a prisoner of war or missing in action; and
- deletes the reference in current law that requires the parent to have been a permanent resident of Florida on the effective date of the act. The act was created in 1972.

The fiscal impact of the CS/HB 35 is insignificant. The Florida Department of Veterans' Affairs reports that currently only two children in the state will benefit from the provisions in this bill.

The effective date provided is July 1, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Empower families** – CS/HB 35 expands educational opportunities for dependent children when either parent has been classified as a prisoner of war or missing in action.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Section 295.015 F.S., currently provides for educational benefits at state expense to dependent children of certain Florida residents who have been classified prisoners of war (POW) or missing in action (MIA) in the Korean Conflict and the Vietnam Era. In order for dependent children to qualify for these benefits, a POW or MIA must have been a bona fide Florida resident for 5 years preceding an application for benefits and be a permanent resident of Florida on the effective date of the act. The initial act was passed in 1972.

The educational benefits applies to dependent children whose parents are classified as prisoners of war or missing in action while serving in the U.S. Armed Forces, or in the capacity of civilian personnel captured while serving with the consent or authorization of the United States Government.

The educational opportunity is provided until the time that the parent is classified as returned alive or the parent's remains are recovered.

##### Effect of Proposed Changes

CS/HB 35 expands the requirement that the state provide educational opportunity to a citizen of the state who has a parent classified as a prisoner of war or missing in action.

CS/HB 35:

- deletes the restriction in current law that limits the educational benefits to children whose parents served in the Korean Conflict or the Vietnam Era;
- reduces the Florida residency requirement from 5 years to 1 year prior to an event resulting in said parent being declared a prisoner of war or missing in action; and
- deletes the reference in current law that requires the parent to have been a permanent resident of Florida on the effective date of the act. The act was created in 1972.

According to the U.S. Department of Veterans' Affairs records, only one person since the Korean Conflict or the Vietnam Era from Florida is listed as POW/MIA.<sup>1</sup>

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 295.015, F.S., expanding the provision of educational opportunity at state expense for children of servicemembers or civilian personnel captured while serving with the consent or authorization of the United States Government and classified as prisoners of war or missing in action.

**Section 2.** Provides an effective date of July 1, 2007.

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<sup>1</sup> Florida Department of Veterans' Affairs Bill analysis for House Bill 35

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

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

Dependent children who qualify under this will receive financial support for undergraduate education.

### D. FISCAL COMMENTS:

The fiscal impact is projected to be minimal. The Florida Department of Veterans' Affairs reports that currently only two children in the state will be affected by the expansion of the educational opportunities for children of POWs and MIAs.<sup>2</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>2</sup> Conversation with Florida Department of Veterans' Affairs dated March 1, 2007.

D. STATEMENT OF THE SPONSOR

None.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On March 13, 2007, the Committee on Postsecondary Education adopted an amendment to reduce the Florida residency requirement from 5 years to 1 year prior to an event resulting in said parent being declared a prisoner of war or missing in action. In addition, the amendment deletes a reference in current law that requires the parent to have been a permanent resident of Florida on “the effective date of the act”. The act was created in 1972.

CS/HB 35 was adopted by the School and Learning Council on March 27, 2007 and differs from HB 35 in the following ways:

- CS/HB 35 reduces the Florida residency requirement from 5 years to 1 year prior to an event resulting in said parent being declared a prisoner of war or missing in action; and
- CS/HB 35 deletes a provision in current law that requires the parent to have been a permanent resident of Florida on the effective date of the act. The act was created in 1972.