

STORAGE NAME: h0047B.cu.doc
DATE: October 23, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COLLEGES & UNIVERSITIES
ANALYSIS**

BILL #: HB 47B
RELATING TO: Educational benefits for dependent children of military personnel
SPONSOR(S): Representative Stansel

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES & UNIVERSITIES
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill provides educational opportunity at state expense for the dependent children of those military personnel who were residents of the state during the period of participating in Operation Enduring Freedom, which began on October 7, 2001, if that person, in that conflict:

- 1) Died; or
- 2) Suffered a service-connected 100-percent total and permanent disability; or
- 3) Have been determined to have a service-connected total and permanent disability rating of 100 percent and are in receipt of disability retirement pay from any branch of the United States Armed Services.

A certified copy of a death certificate, a valid identification card issued in accordance with the provisions of s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services shall be prima facie evidence of the fact that the dependent children of such military personnel are eligible for educational benefits. The provisions of ss. 240.404 (general requirements for state financial aid), 295.03 (failure to meet academic and behavior standards can result in dismissal), 295.04 (General Appropriations Act appropriation necessary; 8 semester limit to benefits), and 295.05 (standard enrollment required), F.S., shall apply.

This bill is similar to several other statutory provisions granting educational benefits to children of servicemen killed or disabled in previous conflicts. Those conflicts and situations already covered include: Spanish-American War; Mexican Border Period; World War I; World War II, Korean Conflict; Vietnam War; Persian Gulf War; prisoners of war or persons missing in action; Operation Eagle Claw (Iran 1980); Lebanon and Grenada military arenas; Newfoundland air tragedy (1985); U.S.S. Stark attack (1987); Iraq (1990); or Operation Just Cause (Panama 1989).

The fiscal cost of this bill cannot be determined in advance. See Fiscal Comments section. Also, see Fiscal Comments section for discussion of costs incurred by the existence of the current, similar, programs.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|-----------------------------------------|----------------------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill establishes a government benefit program, thereby technically expanding government.

B. PRESENT SITUATION:

Presently, a number of programs similar to the one established by this bill exist. Essentially identical provisions exist for:

Spanish-American War; Mexican Border Period; World War I; World War II, Korean Conflict; Vietnam War; and Persian Gulf War (all covered by ss. 295.01, and 1.01[14], working in tandem)

Additionally, separate and essentially identical sections exist covering the following conflicts and situations:

Prisoners of war or persons missing in action (s. 295.015, F.S.);
Operation Eagle Claw (s. 295.016, F.S.);
Lebanon and Grenada military arenas (s. 295.017, F.S.);
Newfoundland air tragedy (s. 295.018, F.S.);
U.S.S. Stark attack (s. 295.19, F.S.);
Iraq (s. 295.0195, F.S.);
Operation Just Cause (*also* s. 295.0195).

Costs for these current programs are discussed in Fiscal Comment section.

C. EFFECT OF PROPOSED CHANGES:

This bill provides that dependent children of Florida resident military personnel who are killed or rendered 100% disabled during the ongoing Operation Enduring Freedom, shall receive "educational opportunity at state expense." Essentially this means: a college education.

The provisions of the bill are subject to other specifically cited sections Those sections are:

Sections: 240.404 (general requirements for state financial aid);
295.03 (failure to meet academic and behavior standards can result in dismissal),
295.05 (standard enrollment required), and
295.04 (General Appropriations Act appropriation necessary; 8 semester limit to
benefits), F.S.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The fiscal impact of this bill cannot be determined in advance, because it is dependent on how many serious casualties are incurred in Operation Enduring Freedom, how many of those casualties are Florida residents, and how many of those have dependent children.

The cost for current similar programs last year (FY 2000-01) was \$251,191, serving 158 dependent-children-of-veterans children. This equals an average cost of \$1,590 per participant.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

Gip Arthur

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