

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** 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></u>	<u>Thomas</u>	<u>Cobb</u>
3) <u>Policy &amp; Budget Council</u>	<u></u>	<u></u>	<u></u>
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### SUMMARY ANALYSIS

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. The bill deletes the restriction in current law that limits the benefits to children whose parents served in the Korean Conflict or the Vietnam Era.

The effective date provided is July 1, 2007.

The fiscal impact of the bill is minimal. (See Fiscal Comments)

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Empower families** – The bill 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 benefit applies to dependent children whose parents were 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**

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. The bill deletes the restriction in current law that limits the benefits to children whose parents served in the Korean Conflict or the Vietnam Era.

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.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

##### 1. Revenues:

See FISCAL COMMENTS.

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

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 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:

Current law requires the parent to have been a permanent resident of Florida on "the effective date of the act". The act was created in 1972. If this provision is not changed, it could nullify the intended expansion of the program.<sup>3</sup>

The sponsor of the bill has filled an amendment with committee staff to address this concern.

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

<sup>3</sup> Florida Department of Veterans' Affairs Bill Analysis for House Bill 35

#### D. STATEMENT OF THE SPONSOR

House Bill 35 corrects an issue relating to the education of dependent children of Florida residents classified as Prisoner of War/Missing in Action.

This bill was originally an amendment to House Bill 1065 adopted during the 2006 session. The limitations currently in F.S. 295.015 to the dependent children of Korean War or Vietnam Conflict service members excluded the children of Captain Scott Speicher from Jacksonville. Capt. Speicher is the only Florida resident who is currently listed as POW/MIA. . His status after being shot down on the first night of the first Gulf War has changed several times from Prisoner of War/Mission in Action (POW/MIA) to Killed in Action (KIA) back to POW/MIA.

Had he remained classified as KIA, his children would have been eligible for the Children of Deceased or Disabled Veterans Scholarship. Once he was reclassified POW/MIA, his children became ineligible to receive that benefit. His family suggested the amendment to HB 1065 in 2006, which was adopted. Unfortunately, the Senate companion was already on second reading at the time this House amendment was adopted and would have required the Senate bill be re-referred to committee and thus jeopardized the original bill. It was decided to adopt the Senate companion in the House without the amendment for the dependents of those classified as POW/MIA; with the promise to the Speicher family that a stand alone bill would be filed for the 2007 session.

This legislation removes any qualifiers based on a specific conflict or war and will ensure that in the unfortunate event any other Florida residents becomes classified POW/MIA, their dependent children will be eligible to receive their education at state expense, just as the dependent children and spouses of those service members who are killed or become disabled in action.

The amendment to HB 35 to be taken up in the Committee on Post-Secondary Education will also address concerns on the effective date of the act raised in the staff analysis. The amendment will also decrease the residency requirement from five years to one year. The reduced residency requirement brings this section of F.S. 295 in line with the residency requirements in other sections of F.S. 295.

#### **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.