

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Committee

BILL: CS/SB 430

INTRODUCER: Committee on Higher Education and Senator Altman

SUBJECT: Veterans' Affairs

DATE: April 4, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fleming</u>	<u>Carter</u>	<u>MS</u>	Favorable
2.	<u>Carrouth</u>	<u>Matthews</u>	<u>HE</u>	Fav/CS
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill amends the statutory definition of a “veteran” in s. 1.01(14), F.S. As a result, veterans who served during Operation New Dawn, but were not deployed into an area of operation, are eligible for wartime service benefits.

This bill also extends post-secondary scholarship program eligibility to the children of veterans who die or become disabled while serving in Operation New Dawn.

This bill has an effective date of July 1, 2011.

This bill substantially amends sections 1.01 and 295.0185 of the Florida Statutes.

II. Present Situation:

Wartime Veteran Benefits

Section 1.01(14), F.S., defines the term “veteran” for purposes of determining veterans’ benefits eligibility. A person who has served in the active military and who has been honorably discharged or released from active duty under honorable conditions is eligible for veterans’

benefits. A veteran may receive enhanced benefits for wartime service if the veteran received a campaign badge¹ for service in a campaign or expedition authorized² under the following:

- Spanish-American War—April 21, 1898-July 4, 1902, including the Philippine Insurrection and the Boxer Rebellion.
- Mexican Border Period—May 9, 1916-April 5, 1917, for veterans who served in Mexico, on the borders thereof, or in the adjacent waters.
- World War I—April 6, 1917-November 11, 1918 with extensions for service in Russia (April 1, 1920), veterans who served during November 11, 1918-July 2, 1921, and for veterans who served at least one day between April 5, 1917-November 12, 1918 (July 1, 1921).
- World War II—December 7, 1941-December 31, 1946.
- Korean Conflict—June 27, 1950-January 31, 1955.
- Vietnam Era—February 28, 1961-May 7, 1975.
- Persian Gulf War—August 2, 1990-January 2, 1992.
- Operation Enduring Freedom—October 7, 2001-ending on the date set by presidential proclamation or by law.
- Operation Iraqi Freedom—March 19, 2003--August 31, 2010

On August 31, 2010, President Obama announced the end of Operation Iraqi Freedom and the commencement of the new mission, Operation New Dawn.³ As part of Operation New Dawn, U.S. forces have three primary missions: advising, assisting, and training the Iraqi Security Forces; conducting partnered counterterrorism operation; and providing support to provincial reconstruction teams and civilian partners as they help build Iraq's civil capacity.⁴

However, a new campaign medal does not accompany the commencement of Operation New Dawn. "U.S. troops will not get a new campaign medal if they take part in Operation New Dawn. The current Iraq Campaign Medal⁵ campaign phase, Iraqi Sovereignty, which took effect January 1, 2009, describes both the initial phase of Operation New Dawn and the final phase of Operation Iraqi Freedom."⁶ Thus, servicemembers who serve in direct support of Operation New Dawn may be eligible for an Iraq Campaign Medal. These veterans would qualify for veterans' benefits.⁷ However, those veterans who served active duty Operation New Dawn, but were not deployed into the campaign, are not eligible.

Florida wartime benefits for eligible veterans include: veterans' hiring and retention preference,⁸ career training admission preference (Vietnam Era),⁹ State Veteran Nursing Home admittance

¹ A list of U.S. military campaign badges is found at: http://www.tioh.hqda.pentagon.mil/Awards/service_campaign.aspx.

² The provision regarding campaign badges was added in 2003. Prior to then, statutes allowed those who served during the defined wartime periods to be eligible for wartime benefits.

³ <http://www.whitehouse.gov/the-press-office/2010/08/31/remarks-president-address-nation-end-combat-operations-iraq>.

⁴ http://www.af.mil/news/story_print.asp?id=123220049.

⁵ Department of the Army. Iraq Campaign Medal Page. Office of the Administrative Assistant to the Secretary of the Army, Institute of Heraldry. Available at: http://www.tioh.hqda.pentagon.mil/Awards/iraq_campaign.aspx.

⁶ Statement by Defense Department spokeswoman Eileen Lainez. October 22, 2010. Article available at: <http://www.military.com/news/article/no-campaign-medal-for-operation-new-dawn.html>.

⁷ Under s. 1.01(14), F.S., receipt of the medal qualifies these individuals for veterans' benefits.

⁸ s. 295.07, F.S.

⁹ s. 295.125, F.S.

priority preference,¹⁰ certain local business tax exemptions,¹¹ certain Florida Retirement System (FRS) benefits,¹² and certain homestead tax exemptions for those meeting other eligibility criteria.¹³

Educational Benefits

Since 1941, Florida has provided educational opportunity for the dependent children of deceased or totally and permanently disabled veterans of the U.S. Armed Forces. In 2006, these benefits were extended to include spouses of deceased or totally and permanently disabled veterans of the U.S. Armed Forces. Section 295.01, F.S., establishes the eligibility requirements for the Scholarships for Children and Spouses of Deceased or Disabled Veterans (CSDDV) program for dependent children and spouses of certain military veterans. Under this section, dependent children and an unremarried spouse of a veteran who died from service-connected injuries, disease, or disability while on active-duty, or was determined to have a 100 percent permanent and total-service connected disability, are eligible for the scholarship. The section provides certain criteria, including Florida residency criteria, which a child or spouse must meet in order to be eligible for the scholarship. Scholarship recipients are also subject to the requirements of ss. 295.03, 295.04, 295.05, and 1009.40, F.S.

Sections 295.016-295.0195, F.S., specify military actions or conflicts that constitute eligible periods of military service for purposes of the scholarship program established in s. 295.01, F.S. Section 295.0195 provides scholarships for the children of deceased or disabled military personnel who died or became disabled in Operation Enduring Freedom (2001) and Operation Iraqi Freedom (2003). In order for such a child to be eligible for the scholarship, the servicemember must have been a Florida resident at the time of the disability or death. Presently, chapter 295, F.S., does not extend such state-sponsored educational benefits to the children of military personnel who have died or became 100-percent disabled in Operation New Dawn, which began on September 1, 2010.

The following chart displays the appropriations, expenditures, and the number of participating students in the CSDDV scholarship program from fiscal year 2007-08 to 2009-10. The Legislature appropriated \$2,442,776 for the CSDDV scholarship program for fiscal year 2010-2011.¹⁴

¹⁰ s. 296.08, F.S.

¹¹ s. 205.171, F.S.

¹² ss. 121.021(20)(b) and 121.111, F.S.

¹³ s. 196.24, F.S.

¹⁴ Florida Department of Education, *2009-10 Annual Report to the Commissioner*; available at: <http://www.floridastudentfinancialaid.org/SSFAD/pdf/annualreportcurrent.pdf>.

**SCHOLARSHIPS FOR CHILDREN AND SPOUSES OF
DECEASED OR DISABLED VETERANS AND SERVICEMEMBERS**

Year	Total Spouses Disbursed	Total Children Disbursed	Total Disbursed	Average Award	Expended Funds	Appropriations
2007-08	16	459	475	\$2,392	\$1,136,148	\$1,101,410
2008-09	52	643	695	\$2,536	\$1,762,248	\$1,997,365
2009-10	56	685	741	\$2,588	\$1,917,830	\$1,997,365

Florida Department of Education, *Annual Report to the Commissioner*, 2010.

III. Effect of Proposed Changes:

This bill adds Operation New Dawn to the list of qualifying military campaigns or expeditions qualifying veterans for veterans’ benefits who have served honorably but have not received a campaign medal. The qualifying period for Operation New Dawn began on September 1, 2010, and ended by presidential proclamation on August 31, 2010.¹⁵

The bill extends educational opportunities at state expense for the dependent children of military personnel who serve in Operation New Dawn or the Global War on Terrorism and who die or suffer a service-connected 100-percent total and permanent disability.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill would enable an unknown number of additional children of deceased or disabled veterans to qualify for post-secondary educational benefits.

¹⁵ <http://www.whitehouse.gov/the-press-office/2010/08/31/remarks-president-address-nation-end-combat-operations-iraq>.

C. **Government Sector Impact:**

The state will be responsible for paying for the educational benefits provided in this bill to children of military personnel who die or suffer a service-connected 100-percent total and permanent disability in Operation New Dawn. Presently, the number of eligible scholarship recipients is indeterminate.

VI. **Technical Deficiencies:**

The bill provides for inconsistent ending dates associated with Operation Iraqi Freedom.

VII. **Related Issues:**

None.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Committee on Higher Education on April 4, 2011.

The Committee Substitute:

- Provides an ending date for Operation Iraqi Freedom as designated by presidential proclamation.

B. **Amendments:**

None.