

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1347 Educational Opportunities for Disabled Veterans

SPONSOR(S): Local Administration & Veterans Affairs Subcommittee, Morales and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 782

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	18 Y, 0 N, As CS	Renner	Miller
2) Post-Secondary Education & Lifelong Learning Subcommittee			
3) Higher Education Appropriations Subcommittee			
4) State Affairs Committee			

SUMMARY ANALYSIS

The Post 9/11 Veterans Educational Assistance Act of 2008 (GI Bill) provides up to 36 months of educational benefits to veterans and servicemembers and their dependent children. To qualify for a benefit under the Act, a veteran or servicemember must:

- Serve an aggregate minimum of 90 days active duty after September 10, 2001, and continue to serve or be honorably discharged;
- Have been honorably discharged or released for a service-connected disability after serving a minimum of 30 continuous days on active duty after September 10, 2001; or
- Be a Purple Heart recipient for service after September 10, 2001.

The percentage of maximum benefits payable under the GI Bill varies and is primarily based on an individual's aggregate length of active duty service.

The bill provides an education benefit to certain disabled veterans who qualify as residents to increase what is provided from the GI bill for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

- Determined by the United States Department of Veterans Affairs (VA) to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the Florida Department of Veterans' Affairs (FDVA) which identifies the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees. The award amount is equal to the amount that is the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended.

The bill does not appear to have a fiscal impact on local governments and may have an insignificant negative fiscal impact on state government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Veteran Education Benefits

Post-9/11 Veterans Educational Assistance Act of 2008

Congress enacted the Post-9/11 Veterans' Educational Assistance Act (Act) of 2008, also known as the Post-9/11 GI Bill (GI Bill), which took effect August 1, 2009.¹ The Act provides up to 36 months of educational benefits to veterans and servicemembers and their dependent children.²

At the time of its passage:

It was recognized that veterans and servicemembers would be eligible for U.S. Department of Education (ED) student financial aid benefits such as Pell Grants and Stafford Loans; U.S. Department of Defense (DOD) educational assistance; and various state, local, and other federal benefits in addition to the basic Post-9/11 GI Bill Benefits.³

To qualify for a benefit under the Act, a veteran or servicemember must:

- Serve an aggregate minimum of 90 days active duty after September 10, 2001, and continue to serve or be honorably discharged;
- Have been honorably discharged or released from service for a service-connected disability after serving a minimum of 30 continuous days on active duty after September 10, 2001; or
- Be a Purple Heart recipient for service after September 10, 2001.⁴

The percentage of maximum benefits payable under the GI Bill varies and is primarily based on an individual's aggregate length of active duty service. Duration of service as it relates to the maximum benefit payable by percentage currently includes⁵:

Number of Months Served	Percentage of Maximum Benefit Payable
At least 36 months of active duty	100
At least 30 continuous days active duty and discharged due to service-connected disability	100
Between 30 and up to 36 months active duty	90
Between 24 and up to 30 months active duty	80
Between 18 and up to 24 months active duty	70
Between 12 and up to 18 months active duty	60
Between 6 and up to 12 months active duty	50
Between 90 days and up to 6 months active duty	40

¹ Pub. L. No. 110-252, 122 STAT. 2323. The GI Bill has since been amended.

² In addition to tuition and fees, educational benefits include payment for housing, books, and supplies.

³ Cassandra Dortch, Congressional Research Service, *The Post-9/11 GI Bill: A Primer (Aug. 1, 2018)*, pg. 1; <https://fas.org/sgp/crs/misc/R42755.pdf> (last visited March 8, 2021). At that time, members of Congress hoped that a benefit exceeding amounts available under the other GI Bills would mitigate the higher unemployment rate amongst veterans in contrast to non-veterans of the same age group.

⁴ U.S. Dept. of Veterans Affairs (VA), *Post-9/11 GI Bill (Chapter 33)*, <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/> (last visited March 8, 2021).

⁵ 38 U.S.C., s. 3313(c); Dortch, *supra* note 3, at 12-13.

For Fiscal Year 2018, The Congressional Research Service estimates that almost 800,000 individuals benefitted from the Act, at an expense exceeding \$12 billion.⁶

Forever GI Bill Stem Extension

Congress passed the Forever GI Bill Stem Extension Act (Act),⁷ effective from August 1, 2019, to encourage veterans to pursue fields typically requiring more than the 36 months of benefits provided under the Post-9/11 GI Bill.⁸ The Act provides an extension of benefits for a veteran pursuing an educational degree in science, technology, engineering, or math. This extension will pay up to 9 months of additional benefits, or up to a maximum lump sum of \$30,000.⁹

State Veteran Education Benefits and Residency

Current law defines a resident, for determination of in-state tuition, as a person who has maintained his or her residence in Florida for the preceding year, has purchased a home which is occupied as the person's residence, or has established domicile in the state.¹⁰

Florida law requires a state university, Florida College System institution, or a career center to waive out-of-state fees for an honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in the state while enrolled in the institution.¹¹

Florida law waives undergraduate-level tuition and career certificate programs at state universities, Florida College System institutions, and career centers for Florida recipients of the Purple Heart and other combat-related decorations superior in precedence to the Purple Heart, under certain conditions.¹²

Dependent children and spouses of veterans who died from a service-connected disability or who are 100-percent service-connected permanently and totally disabled may receive scholarships through the Scholarships for Children and Spouses of Deceased or Disabled Veterans program.¹³ However, there is no State of Florida scholarship for the service-connected 100 percent disabled veteran.

Disabled Veterans in Florida

The Florida Department of Veterans' Affairs (FDVA) may issue an identification card to any veteran who is a permanent resident of the state and who has been determined by the U.S. Dept. of Veterans Affairs (VA) to have a 100 percent, service-connected permanent and total disability rating for compensation,¹⁴ or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services. The card may be used as proof of eligibility for any benefit provided by the state.¹⁵

⁶ Dortch, *supra* note 3, at 1.

⁷ Pub. L. No. 115-48. The Act is also known as the Edith Nourse Rogers STEM Scholarship, or the Rogers Scholarship.

⁸ VA, *Edith Nourse Rogers STEM Scholarship*, <https://www.va.gov/education/other-va-education-benefits/stem-scholarship/> (last visited March 8, 2021).

⁹ *Id.* Qualifying degree programs are agriculture science or natural resources science; biological or biomedical science; computer and information science and support services; engineering, engineering technologies, or an engineering-related field; health care or a health-care related field; mathematics or statistics; undergraduate medical residency; physical science; and science technologies or technicians. VA, *supra* note 8, at 2.

¹⁰ S. 1009.21, F.S.

¹¹ S. 1009.26(13), F.S.

¹² S. 1009.26(8), F.S.

¹³ S. 295.01, F.S.

¹⁴ The VA assigns a percentage evaluation from 0 percent to 100 percent (in 10-percent increments) for the amount of disability the VA determines the veteran has sustained. The resulting disability percentage rating determines the level of a veteran's monthly. See VA, Office of Public and Intergovernmental Affairs, *Federal Benefits for Veterans, Dependents and Survivors*, https://www.va.gov/opa/publications/benefits_book/benefits_chap02.asp (last visited March 8, 2021).

¹⁵ S. 297.17(1), F.S.

The population of veterans in Florida with a 100 percent disability rating is presently numbered at 47,434 veterans. Counties with the highest population of these veterans are Brevard (2,400), Broward (2,491), Duval (2,408), Hillsborough (3,776), Miami-Dade (2,412), Orange (2,673), and Pinellas (2,672).¹⁶

Effect of the Bill

The bill provides an education benefit to certain disabled veterans who qualify as residents to increase what is provided from the GI bill for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

- Determined by the VA to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by FDVA which identifies the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the GI Bill, but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees. The award amount is equal to the amount that is the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended.

The bill provides that a disabled veteran who receives this award must remain compliant with other statutory requirements applying to veterans and other students who receive educational benefits.¹⁷

B. SECTION DIRECTORY:

Section 1. Creates s. 295.011, F.S., providing that certain disabled veterans receiving certain federal education assistance benefits are eligible to receive an award for the remaining cost of tuition and fees at state universities and Florida College System institutions.

Section 2. Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹⁶ Florida Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis* (Jan. 29, 2021) (on file with the Local Administration & Veterans Affairs Subcommittee).

¹⁷ S. 295.03, F.S., requires the withdrawal of benefits for a veteran who violates the ordinary and minimum requirements of the institution on discipline and scholarship. Section 295.04(4), F.S., requires a veteran to be in good standing with the institution to receive an educational benefit. Section 295.05, F.S., requires a veteran receiving benefits to be enrolled according to the customary rules and requirements of the institution. Section 1009.40, F.S. provides general requirements for a student (veteran or nonveteran) to be eligible for state financial aid and tuition assistance grants.

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will reduce the costs of tuition, fees for qualifying veterans.

D. FISCAL COMMENTS:

The Board of Governors would need to create a new waiver or other form of financial aid in the State University Database System to track the number of recipients and funding associated with the provisions in the bill. Furthermore, the fiscal impact on reduced tuition and fee collections is indeterminate due to the lack of specification in the bill as to who is responsible for payment and the lack of sufficient data on disabled veterans who would qualify for this benefit.¹⁸

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides that the difference in tuition and fees are to be awarded to a qualified disabled veteran; however, the bill does not specify who is responsible for such payment or award.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2021, the Local Administration & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provides a statutory cross-reference for the term "resident" to determine residence status for tuition purposes.

This analysis is drafted to the committee substitute as approved by the Local Administration & Veterans Affairs Subcommittee.

¹⁸ The Board of Governors of the State University System, *2021 Legislative Bill Analysis* (On file with the Local Administration & Veterans Affairs Subcommittee).