

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Higher Education Appropriations Subcommittee, Local Administration & Veterans Affairs Subcommittee, Morales, Benjamin 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) Higher Education Appropriations Subcommittee	13 Y, 0 N, As CS	Crowley	Smith
3) State Affairs Committee	19 Y, 0 N	Renner	Williamson

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 provided certain requirements are met. 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 U.S. Armed Services; or
- Issued a valid identification card by the Florida Department of Veterans' Affairs (FDVA) that 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 U.S. Armed Forces.

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university, Florida College System institution, career center operated by a school district, or charter technical career center under the GI Bill, but who does not qualify for the 100-percent eligibility tier federally, is eligible for a waiver of tuition and fees from the institution attended. 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 requires institutions to report the number and value of all fee waivers granted under the program to the Board of Governors and the State Board of Education.

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

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

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

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.

⁶ Dortch, *supra* note 3, at 1.

Forever GI Bill STEM Extension

Congress passed the Forever GI Bill STEM Extension Act (STEM Act),⁷ effective 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 STEM Act provides an extension of benefits for a veteran pursuing an educational degree in science, technology, engineering, or math (STEM). This extension pays up to nine 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 U.S. Armed Forces, the U.S. 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. Department 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 U.S. Armed Services. The card may be used as proof of eligibility for any benefit provided by the state.¹⁵

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

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.

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

Effect of the Bill

The bill provides an education benefit to certain disabled veterans who qualify as residents, waiving the remaining tuition and fees not covered by the GI bill for educational benefits. 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 U.S. Armed Services; or
- Issued a valid identification card by FDVA that 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 U.S. Armed Forces.

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center under the GI Bill, but who does not qualify for the 100-percent eligibility tier federally, is eligible for a waiver of tuition and fees from the institution attended. The waiver 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 requires institutions to report the number and value of all fee waivers granted under the program to the Board of Governors and the State Board of Education.

The bill provides that a disabled veteran who receives this waiver 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 a waiver for the remaining cost of tuition and fees at state universities and Florida College System institutions; requiring certain institutions to submit an annual report to the Board of Governors and the State Board of Education.

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:

1. Revenues:

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.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate due to the unknown number of students that will qualify for, and take advantage of, the waiver. However, for each student that receives the waiver, a state university, college, or workforce training center would receive an equal amount of tuition and fee revenue on a 1:1 basis. The State University System resident undergraduate tuition rate is \$105.07 per credit hour, while the system-wide average of fees per credit is \$94.65. At a state college, average tuition and fees per credit hour is \$106.90. For workforce training centers, average tuition and fees per contact hour is \$2.33.

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 authorizes the Board of Governors and the State Board of Education to adopt regulations and rules to implement the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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 provided a statutory cross-reference for the term "resident" to determine residence status for tuition purposes.

On April 7, 2021, the Higher Education Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment clarified that the educational benefit provided to eligible students is a waiver for tuition and fees, as opposed to a scholarship award. The amendment also required institutions to report the number and value of all waivers provided under the program to the Board of Governors and the State Board of Education, and authorized these entities to adopt regulations and rules to implement the program.

This analysis is drafted to the committee substitute as approved by the Higher Education Appropriations Subcommittee.