

**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.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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**BILL:** CS/SB 782

**INTRODUCER:** Committee on Military and Veterans Affairs, Space, and Domestic Security and Senator Cruz

**SUBJECT:** Educational Opportunities for Veterans

**DATE:** March 9, 2021      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>AED</u>	_____
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 782 grants disabled veterans who qualify as residents of the state an education benefit to fully provide for the cost of tuition and fees charged at a public postsecondary academic institution. An award provided in this bill is intended to supplement what is provided to a recipient through the federal Post 9/11 GI Bill to reach a 100 percent payment of tuition and fees.

To qualify, a veteran must have been:

- Determined 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 state Department of Veterans' Affairs either identifying 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 the 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 (also known as the Post-9/11 GI Bill), but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees.

To qualify under the Post-9/11 GI Bill, a veteran must have served after September 10, 2001, an aggregate minimum of 90 days active duty; been discharged or released for a service-connected disability after serving a minimum 30 consecutive days of active duty; or been designated a Purple Heart recipient. A person who serves less than 36 months is eligible for a reduced benefit, ranging from 40 to 90 percent of the full benefit.

## II. Present Situation:

### 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.<sup>1</sup> The Act provides up to 36 months of educational benefits to veterans and servicemembers and their dependent children.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup>

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 includes<sup>5</sup>:

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

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

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

<sup>3</sup> Cassandra Dortch, Congressional Research Service, *The Post-9/11 GI Bill: A Primer (Aug. 1, 2018)*, pg. 1; available at <https://fas.org/sgp/crs/misc/R42755.pdf> (Last visited March 2, 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.

<sup>4</sup> U.S. Dept. of Veterans Affairs, *Post-9/11 GI Bill (Chapter 33)*, available at <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/> (last visited March 2, 2021).

<sup>5</sup> Section 3313(c), 122 STAT. 2365; Dortch, *supra* note 3, at 12-13.

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.<sup>6</sup>

### **Forever GI Bill Stem Extension**

Congress passed the Forever GI Bill Stem Extension Act (Act)<sup>7</sup>, effective from August 1, 2019, to encourage veterans to pursue fields that typically require more than the 36 months of benefits provided under the Post-9/11 GI Bill.<sup>8</sup> 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.<sup>9</sup>

### **Disabled Veterans in Florida**

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).<sup>10</sup>

### **Residency**

Section 1009.21, F.S., defines as a resident, for determination of in-state tuition, a person who has maintained his or her residence in the state for the preceding year, has purchased a home which is occupied as his or her residence, or has established domicile in the state.<sup>11</sup> To prove domicile, a person must file a sworn statement with the clerk of the circuit court attesting that either he or she resides in and maintains a place of abode in the county intending to maintain it as a permanent home, or that he or she has established a domicile in the state but maintains at least an additional abode out-of-state; that the place of abode in the state constitutes the predominant and principal home; and that he or she intends to continue it permanently.<sup>12</sup> The sworn statement establishing domicile must include a statement that the person is a bona fide resident of the state,

<sup>6</sup> Dortch, *supra* note 3, at 1.

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

<sup>8</sup> U.S. Department of Veterans Affairs, *Edith Nourse Rogers STEM Scholarship*, available at <https://www.va.gov/education/other-va-education-benefits/stem-scholarship/> (last visited March 2, 2021).

<sup>9</sup> *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. U.S. Department of Veterans Affairs, *supra* note 8, at 2.

<sup>10</sup> Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis* (Jan. 29, 2021) (on file with the Senate Committee on Military and Veterans Affairs and Space).

<sup>11</sup> Section 1009.21(1)(d), F.S.

<sup>12</sup> Section 222.17(1) and (2), F.S.

along with the address of residence, prior residence, and the place or places where he or she maintains another abode.<sup>13</sup>

### III. Effect of Proposed Changes:

CS/SB 782 bill provides an education benefit to certain disabled veterans who qualify as residents to increase what is provided from the Post-9/11 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 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 state Department of Veterans' Affairs 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 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.<sup>14</sup>

The bill takes effect July 1, 2021.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

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<sup>13</sup> Section 222.17 (3), F.S.

<sup>14</sup> Section 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.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill will reduce the costs of tuition, fees, and other education benefits for qualifying veterans.

**C. Government Sector Impact:**

The Board of Governors may need to amend a regulation. The fiscal impact of this bill on reduced tuition and fee collections is indeterminate due to the lack of specification on who is responsible for payment and the lack of sufficient data on disabled veterans who would qualify for this benefit.<sup>15</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 295.011 of the Florida Statutes.

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<sup>15</sup> The Board of Governors of the State University System, *2021 Legislative Bill Analysis, SB 782* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

**IX. Additional Information:**

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

**CS by Military and Veterans Affairs, Space and Domestic Security on March 9, 2021:**

Requires a disabled veteran to qualify as a resident.

- B. **Amendments:**

None.