

By Senator Burgess

23-00978-23

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1 A bill to be entitled
2 An act relating to education of dependents of deceased
3 or disabled servicemembers, prisoners of war, and
4 persons missing in action; amending s. 295.01, F.S.;
5 defining the term "servicemember"; revising
6 eligibility requirements for educational benefits
7 provided by the state to a spouse or dependent child
8 of a deceased or disabled servicemember; amending s.
9 295.015, F.S.; revising eligibility requirements for
10 educational benefits provided by the state to a
11 dependent child of a prisoner of war or a person
12 missing in action; amending ss. 295.016, 295.017,
13 295.0185, and 295.0195, F.S.; revising eligibility
14 requirements for educational benefits provided by the
15 state to a dependent child of a deceased or disabled
16 servicemember who participated in certain military
17 operations; amending s. 295.02, F.S.; conforming
18 cross-references; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 295.01, Florida Statutes, is amended to
23 read:

24 295.01 ~~Children of deceased or disabled veterans;~~ Spouses
25 and dependent children of deceased or disabled servicemembers;
26 education.—

27 (1) As used in this section, the term "servicemember" means
28 a person serving as a member of the United States Armed Forces
29 on active duty or state active duty and all members of the

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30 Florida National Guard and United States Reserve Forces.

31 (2) (a) ~~(1)~~ It is the policy of the state to provide
32 educational opportunity at state expense for a dependent child,
33 as defined in s. 1009.21(1), of a servicemember who ~~children~~
34 ~~either of whose parents entered the Armed Forces and:~~

35 1. ~~(a)~~ Died as a result of service-connected injuries,
36 disease, or disability sustained while on active duty; or

37 2. ~~(b)~~ Has been:

38 a. ~~1.~~ Determined by the United States Department of Veterans
39 Affairs or its predecessor to have a service-connected 100-
40 percent total and permanent disability rating for compensation;

41 b. ~~2.~~ Determined to have a service-connected total and
42 permanent disability rating of 100 percent and is in receipt of
43 disability retirement pay from any branch of the United States
44 Armed Forces Services; or

45 c. ~~3.~~ Issued a valid identification card by the Department
46 of Veterans' Affairs in accordance with s. 295.17~~7~~

47
48 ~~when the parents of such children have been residents of the~~
49 ~~state for 1 year immediately preceding the death or the~~
50 ~~occurrence of such disability, and subject to the rules,~~
51 ~~restrictions, and limitations set forth in this section.~~

52 (b) The dependent child of a deceased servicemember is
53 eligible for educational benefits under this section if:

54 1. Immediately preceding the death of the servicemember,
55 Florida was listed as the servicemember's official home of
56 record in the Defense Enrollment Eligibility Reporting System
57 (DEERS) database; or

58 2. The child qualifies as a resident for tuition purposes

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59 under s. 1009.21.

60 (c) The dependent child of a disabled servicemember is
61 eligible for educational benefits under this section if:

62 1. Immediately preceding the occurrence of the
63 servicemember's disability, Florida was listed as the
64 servicemember's official home of record in the Defense
65 Enrollment Eligibility Reporting System (DEERS) database; or

66 2. The child qualifies as a resident for tuition purposes
67 under s. 1009.21 and the servicemember is a resident of this
68 state.

69
70 All rules, restrictions, and limitations set forth in this
71 section shall apply.

72 (3)(2) It is also the declared policy of the this state to
73 provide educational opportunity at state expense for spouses of
74 deceased or disabled servicemembers.

75 (a) The unremarried spouse of a deceased servicemember is
76 eligible for educational, as defined in s. 250.01, qualifies for
77 the benefits under this section if:

78 1. If the servicemember and his or her spouse had been
79 residents of the state for 1 year immediately preceding the
80 servicemember's death and the servicemember's death occurred
81 under the circumstances provided in subsection (1); and

82 2. If the unremarried spouse applies to use the benefit
83 within 5 years after the servicemember's death and:

84 1. Immediately preceding the servicemember's death, Florida
85 was listed as the servicemember's official home of record in the
86 Defense Enrollment Eligibility Reporting System (DEERS)
87 database; or

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88 2. The spouse qualifies as a resident for tuition purposes
89 under s. 1009.21.

90 (b) The dependent spouse of a disabled servicemember is
91 eligible for educational, ~~as defined in s. 250.01, qualifies for~~
92 ~~the~~ benefits under this section~~;~~

93 ~~1.~~ if the servicemember and his or her spouse have been
94 married to each other for 1 year~~;~~ and~~;~~

95 ~~1.2.~~ ~~If the servicemember and his or her spouse have been~~
96 ~~residents of the state for 1 year~~ Immediately preceding the
97 occurrence of the servicemember's disability, Florida was listed
98 as the servicemember's official home of record in the Defense
99 Enrollment Eligibility Reporting System (DEERS) database; or

100 2. The spouse qualifies as a resident for tuition purposes
101 under s. 1009.21 and the servicemember is a resident of this
102 state. ~~and the disability meets the criteria set forth in~~
103 ~~subsection (1); and~~

104 ~~(c)3.~~ The eligibility for educational benefits under
105 paragraph (b) applies only during the duration of the marriage
106 and up to the point of termination of the marriage by
107 dissolution or annulment.

108
109 All rules, restrictions, and limitations set forth in this
110 section shall apply.

111 ~~(4)3.~~ Sections 295.03-295.05 and 1009.40 shall apply.

112 ~~(5)4.~~ The State Board of Education shall adopt rules for
113 administering this section.

114 ~~(6)5.~~ A child or spouse of a servicemember may receive
115 benefits under either this section or s. 295.061.

116 Section 2. Section 295.015, Florida Statutes, is amended to

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117 read:

118 295.015 Children of prisoners of war and persons missing in
119 action; education.-

120 (1) It is ~~hereby declared to be~~ the policy of the state to
121 provide educational opportunity at state expense for a dependent
122 child of a parent who ~~children either of whose parents~~ has been
123 classified as a prisoner of war or missing in action in the
124 service of the United States Armed Forces ~~of the United States~~
125 or in the capacity of civilian personnel captured while serving
126 with the consent or authorization of the United States
127 Government. Such educational opportunity shall be provided until
128 such time as the parent so classified is returned alive or the
129 parent's remains are recovered.

130 (2) A dependent child is eligible for educational benefits
131 under this section if:

132 (a) Immediately; ~~provided that, in order to be eligible,~~
133 ~~the parents of such children must have been residents of the~~
134 ~~state for 1 year~~ preceding the event that led to the parent's
135 classification as a prisoner of war or missing in action by the
136 United States Government, Florida was listed as the parent's
137 official home of record in the Defense Enrollment Eligibility
138 Reporting System (DEERS) database; or

139 (b) The child qualifies as a resident for tuition purposes
140 under s. 1009.21 and the parent is a resident of this state.

141 (3) ~~(2)~~ Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
142 ~~295.05~~ and 1009.40 shall apply.

143 Section 3. Section 295.016, Florida Statutes, is amended to
144 read:

145 295.016 Children of servicemembers who died or became

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146 disabled in Operation Eagle Claw; education.—

147 (1) It is the ~~hereby declared to be~~ a policy of the state
148 to provide educational opportunity at state expense for a ~~the~~
149 dependent child ~~children~~ of a ~~any~~ servicemember who died or
150 suffered a service-connected 100-percent total and permanent
151 disability rating for compensation as determined by the United
152 States Department of Veterans Affairs, or who has been
153 determined to have a service-connected total and permanent
154 disability rating of 100 percent and is in receipt of disability
155 retirement pay from any branch of the United States Armed Forces
156 Services, while participating in the Iranian rescue mission
157 known as Operation Eagle Claw, ~~which servicemember was residing~~
158 ~~in the state on April 25, 1980~~.

159 (a) A certified copy of a death certificate, a valid
160 identification card issued by the Department of Veterans'
161 Affairs in accordance with s. 295.17, a letter certifying the
162 service-connected 100-percent total and permanent disability
163 rating for compensation from the United States Department of
164 Veterans Affairs, or a letter certifying the service-connected
165 total and permanent disability rating of 100 percent for
166 retirement pay from any branch of the United States Armed Forces
167 is Services ~~shall be~~ prima facie evidence ~~of the fact~~ that the
168 dependent child ~~children~~ of the servicemember is ~~are~~ eligible
169 for educational ~~such~~ benefits.

170 (b) In addition to the requirement provided in paragraph
171 (a), a dependent child is eligible for educational benefits
172 under this section if:

173 1. On April 25, 1980, Florida was listed as the
174 servicemember's official home of record in the Defense

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175 Enrollment Eligibility Reporting System (DEERS) database; or

176 2. The child qualifies as a resident for tuition purposes
177 under s. 1009.21 and the servicemember, if living, is a resident
178 of this state.

179 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
180 ~~295.05~~ and 1009.40 shall apply.

181 Section 4. Section 295.017, Florida Statutes, is amended to
182 read:

183 295.017 Children of servicemembers who died or became
184 disabled in the Lebanon and Grenada military arenas; education
185 ~~educational opportunity.~~

186 (1) It is ~~hereby declared to be~~ the policy of the state to
187 provide educational opportunity at state expense for a ~~the~~
188 dependent child ~~children~~ of a ~~any~~ servicemember who died or
189 suffered a service-connected 100-percent total and permanent
190 disability rating for compensation as determined by the United
191 States Department of Veterans Affairs, or who has been
192 determined to have a service-connected total and permanent
193 disability rating of 100 percent and is in receipt of disability
194 retirement pay from any branch of the United States Armed Forces
195 ~~Services~~, while participating in a Multinational Peace Keeping
196 Force in Lebanon ~~during the period~~ from September 17, 1982,
197 through February 3, 1984, inclusive, or while participating ~~as a~~
198 ~~participant~~ in Operation Urgent Fury in Grenada ~~during the~~
199 ~~period~~ from October 23, 1983, through November 2, 1983,
200 inclusive, ~~which servicemember was residing in the state during~~
201 ~~those periods of military action.~~

202 (a) A certified copy of a death certificate, a valid
203 identification card issued by the Department of Veterans'

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204 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
205 certifying the service-connected 100-percent total and permanent
206 disability rating for compensation from the United States
207 Department of Veterans Affairs, or a letter certifying the
208 service-connected total and permanent disability rating of 100
209 percent for retirement pay from any branch of the United States
210 Armed Forces is ~~Services shall be~~ prima facie evidence ~~of the~~
211 ~~fact~~ that the dependent child ~~children~~ of the servicemember is
212 ~~are~~ eligible for educational ~~such~~ benefits.

213 (b) In addition to the requirement provided in paragraph
214 (a), a dependent child is eligible for educational benefits
215 under this section if:

216 1. During either period of military action, Florida was
217 listed as the servicemember's official home of record in the
218 Defense Enrollment Eligibility Reporting System (DEERS)
219 database; or

220 2. The child qualifies as a resident for tuition purposes
221 under s. 1009.21 and the servicemember, if living, is a resident
222 of this state.

223 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
224 ~~295.05~~ and 1009.40 shall apply.

225 Section 5. Section 295.0185, Florida Statutes, is amended
226 to read:

227 295.0185 Children of servicemembers who died or became
228 ~~deceased or disabled military personnel who die or become~~
229 ~~disabled in Operation Enduring Freedom or Operation Iraqi~~
230 ~~Freedom; education ~~educational opportunity.~~~~

231 (1) It is ~~declared to be~~ the policy of the state to provide
232 educational opportunity at state expense for a the dependent

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233 child ~~children~~ of a servicemember who died or suffered ~~those~~
234 ~~military personnel who die or suffer~~ a service-connected 100-
235 percent total and permanent disability rating for compensation
236 as determined by the United States Department of Veterans
237 Affairs, or who has been ~~are~~ determined to have a service-
238 connected total and permanent disability rating of 100 percent
239 and is ~~are~~ in receipt of disability retirement pay from any
240 branch of the United States Armed Forces Services, while
241 participating in Operation Enduring Freedom, which began on
242 October 7, 2001, or while participating in Operation Iraqi
243 Freedom, which began on March 19, 2003, ~~if such military~~
244 ~~personnel have been residents of the state during the period of~~
245 ~~military action.~~

246 (a) A certified copy of a death certificate, a valid
247 identification card issued by the Department of Veterans'
248 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
249 certifying the service-connected 100-percent total and permanent
250 disability rating for compensation from the United States
251 Department of Veterans Affairs, or a letter certifying the
252 service-connected total and permanent disability rating of 100
253 percent for retirement pay from any branch of the United States
254 Armed Forces Services is prima facie evidence that the dependent
255 child ~~children~~ of such servicemember is ~~military personnel are~~
256 eligible for educational benefits.

257 (b) In addition to the requirement provided in paragraph
258 (a), a dependent child is eligible for educational benefits
259 under this section if:

260 1. During either period of military action, Florida was
261 listed as the servicemember's official home of record in the

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262 Defense Enrollment Eligibility Reporting System (DEERS)
263 database; or

264 2. The dependent child qualifies as a resident for tuition
265 purposes under s. 1009.21 and the servicemember, if living, is a
266 resident of this state.

267 (2) Sections 295.03-295.05 and 1009.40 shall apply.

268 Section 6. Section 295.0195, Florida Statutes, is amended
269 to read:

270 295.0195 Children of servicemembers ~~deceased or disabled~~
271 ~~military personnel~~ who died or became disabled in the Mideast
272 Persian Gulf military arena during hostilities with Iraq or in
273 the military action in Panama known as Operation Just Cause;
274 education.—

275 (1) It is ~~hereby declared to be~~ the policy of the state to
276 provide educational opportunity at state expense for a the
277 dependent child ~~children~~ of a servicemember ~~those military~~
278 ~~personnel~~ who died or suffered a service-connected 100-percent
279 total and permanent disability rating for compensation as
280 determined by the United States Department of Veterans Affairs,
281 or who has ~~have~~ been determined to have a service-connected
282 total and permanent disability rating of 100 percent and is ~~are~~
283 in receipt of disability retirement pay from any branch of the
284 United States Armed Forces, while participating in the Mideast
285 Persian Gulf arena during hostilities with Iraq, which began as
286 Operation Desert Shield on August 5, 1990, through cessation of
287 those hostilities, inclusive, or while participating in the
288 military action in Panama known as Operation Just Cause during
289 December 1989, ~~if such military personnel were residents of the~~
290 ~~state during the period of military action.~~

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291 (a) A certified copy of a death certificate, a valid
292 identification card issued by the Department of Veterans'
293 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
294 certifying the service-connected 100-percent total and permanent
295 disability rating for compensation from the United States
296 Department of Veterans Affairs, or a letter certifying the
297 service-connected total and permanent disability rating of 100
298 percent for retirement pay from any branch of the United States
299 Armed Forces is ~~shall be~~ prima facie evidence ~~of the fact~~ that
300 the dependent child ~~children~~ of such servicemember is ~~military~~
301 ~~personnel are~~ eligible for educational benefits.

302 (b) In addition to the requirement provided in paragraph
303 (a), a dependent child is eligible for educational benefits
304 under this section if:

305 1. During either period of military action, Florida was
306 listed as the servicemember's official home of record in the
307 Defense Enrollment Eligibility Reporting System (DEERS)
308 database; or

309 2. The child qualifies as a resident for tuition purposes
310 under s. 1009.21 and the servicemember, if living, is a resident
311 of this state.

312 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
313 ~~295.05~~ and 1009.40 shall apply.

314 Section 7. Subsections (1) and (2) of section 295.02,
315 Florida Statutes, are amended to read:

316 295.02 Use of funds; age, etc.—

317 (1) Sums appropriated and expended to carry out the
318 provisions of s. 295.01(2) ~~s. 295.01(1)~~ may be used to pay
319 tuition and registration fees, board, and room rent and to buy

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320 books and supplies for the children of deceased or disabled
321 veterans or servicemembers, as defined and limited in s. 295.01,
322 s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or
323 s. 295.0195, or of parents classified as prisoners of war or
324 missing in action, as defined and limited in s. 295.015, who are
325 between the ages of 16 and 22 years and who are in attendance at
326 an eligible postsecondary education institution as defined in s.
327 295.04. Any child having entered upon a course of training or
328 education under the provisions of this chapter, consisting of a
329 course of not more than 4 years, and arriving at the age of 22
330 years before the completion of such course may continue the
331 course and receive all benefits of the provisions of this
332 chapter until the course is completed.

333 (2) Sums appropriated and expended to carry out the
334 provisions of s. 295.01(3) ~~s. 295.01(2)~~ may be used to pay
335 tuition and registration fees, board, and room rent and to buy
336 books and supplies for the spouses of deceased or disabled
337 veterans or servicemembers, as defined and limited in s. 295.01,
338 who are enrolled at an eligible postsecondary education
339 institution as defined in s. 295.04.

340 Section 8. This act shall take effect July 1, 2023.