

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 1327](#)

TITLE: Veteran Benefit Payments to Minor Clients

SPONSOR(S): Cross

COMPANION BILL: [SB 1594](#) (Gaetz)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Human Services](#)

17 Y, 0 N, As CS

[Health Care Budget](#)

[Health & Human Services](#)

SUMMARY

Effect of the Bill:

CS/HB 1327 ensures that survivor benefit payments provided by the United States Department of Veterans Affairs and received by the Department of Children and Families, on behalf of children in foster care, are conserved and disbursed to the child when he or she turns 18 years of age.

Fiscal or Economic Impact:

The bill may have an indeterminate insignificant negative fiscal impact on the Department of Children and Families.

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ANALYSIS

EFFECT OF THE BILL:

The bill provides financial support to young adults transitioning out of foster care by requiring the Department of Children and Families (DCF) to receive, deposit, and conserve all **survivor benefit payments** provided by the United States Department of Veterans Affairs to a minor in foster care. The bill requires DCF to disburse those funds in their entirety to the child when he or she turns 18 years of age. Under the bill, DCF is prohibited from using the survivor benefit payments to reimburse the state for the cost of care of the foster child. (Section [1](#))

The bill provides an effective date of July 1, 2026. (Section [2](#))

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Federal Veteran Affairs Benefit Payments

[Survivor Benefits](#)

The United States Department of Veterans Affairs (VA) administers two primary financial support systems for survivors: the Dependency and Indemnity Compensation (DIC) and Survivors Pension (pension).

Dependency and Indemnity Compensation (DIC)

The DIC is a tax-free monthly benefit paid to eligible survivors of veterans who died in the line of duty or from a service-related injury or illness.¹ Survivors of veterans who did not die from a service-related illness or injury may also be eligible if the veteran was eligible to receive VA compensation for a service-connected disability that was

¹ United States Department of Veterans Affairs, *Survivors Pension and DIC*, <https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/> (last visited January 27, 2026).

rated as totally disabling for a certain period of time.² An eligible surviving spouse, who has one or more children under the age of 18, can receive \$359 per month for the first two years after the veteran's death and \$421 per month for each eligible child.³

To qualify for DIC benefits, surviving children must be unmarried and under the age of 18 or 23, if attending a VA-approved school.⁴ For a surviving eligible child of a veteran, who does not have a surviving spouse who is eligible, the table below showcases the monthly payment rate:⁵

# of Veteran's Eligible Children	Monthly Rate for Each Child	Total Monthly Payment
1	\$717.50	\$717.50
2	\$516.09	\$1,032.18
3	\$448.97	\$1,346.92
4	\$400.72	\$1,602.87
5	\$371.76	\$1,858.82
6	\$352.46	\$2,114.77
7	\$338.67	\$2,370.72
8	\$328.33	\$2,626.67
9	\$320.29	\$2,882.62

An unmarried adult surviving child, who is under the age of 23 and enrolled in a VA-approved school may receive \$356.66 per month. A surviving child who became permanently disabled before the age of 18 may continue receiving benefits into adulthood and may receive \$717.50 per month.⁶

Survivor's Pension

The pension is a tax-free, needs-based benefit for low-income survivors of wartime veterans. Currently, the VA only recognizes certain wartime periods, which includes the Mexican Border period, World War I, World War II, Korean conflict, Vietnam War, and the Gulf War. Congress sets a net worth limit, which includes yearly income and assets, that can change on an annual basis. Currently, to be eligible for the pension, a survivor's annual net worth cannot exceed \$163,699. The VA bases the payment amount on the differences between the survivor's income and the limit set by Congress.⁷

To qualify for the pension, surviving children must be unmarried and under the age of 18 or 23, if attending a VA-approved school.⁸ A surviving child who became permanently disabled before the age of 18 may continue receiving benefits into adulthood. An eligible surviving child can receive up to \$2,984 per year.⁹

² United States Department of Veterans Affairs, *About VA DIC for Spouses, Dependents, and Parents*, <https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/dependency-indemnity-compensation/> (last visited February 4, 2026).

³ *Id.*

⁴ *Id.*

⁵ *Id.* For each eligible child in a family of 10 or more children, \$255.95 is added.

⁶ *Supra*, note 2.

⁷ United States Department of Veterans Affairs, *Current Survivors Pension Benefit Rates*, <https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/survivors-pension/rates/> (last visited January 27, 2026). See also, United States Department of Veterans Affairs, *Survivors Pension*, <https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/survivors-pension/> (last visited February 4, 2026).

⁸ United States Department of Veterans Affairs, *Survivors Pension and DIC*, <https://www.va.gov/family-and-caregiver-benefits/survivor-compensation/> (last visited January 27, 2026).

⁹ *Supra*, note 7.

Surviving children cannot receive both the DIC benefit and the pension. A surviving child who is eligible for both the DIC benefit and the pension will receive whichever benefit gives him or her the most money.¹⁰

Surviving Children in Foster Care

When a child is placed in the Department of Children and Families' (DCF) custody, DCF, or the community-based care lead agency, on behalf of DCF, must apply to become the representative payee¹¹ of any benefit payments for the child. For children who are eligible for VA benefits, DCF must apply with the VA to be appointed as a representative payee.¹² The VA appoints a representative payee through a formal administrative process involving both a comprehensive suitability screening and official designation.¹³ Once DCF is appointed by the VA as the representative payee, VA benefits can be paid to them directly with limited and temporary supervision by the VA.¹⁴ The VA requires DCF to use the benefits solely for the benefit of the child.¹⁵

The benefits DCF receives on behalf of the child are deposited into a master trust account. The master trust account allows for sub-accounts to meet the needs of each child such as a current needs sub-account, lump sum special needs sub-account, Plan to Achieve Self-Support sub-account, and a sub-account for children who receive Social Security Administration benefits, VA benefits or other regular benefits.¹⁶ The decision to designate funds to different sub-accounts is made to balance current and long-term needs of the child.¹⁷

A personal allowance of \$30 is set aside in the current needs sub-account for each child who receives VA benefits.¹⁸ Once the personal allowance is set aside, the balance is used to repay the state for the costs of care for the child. DCF must conserve and invest remaining funds to meet the child's future needs for independent living.¹⁹

DCF remains trustee of the master trust account until the beneficiary turns 18 years of age, unless:²⁰

- The beneficiary is between the ages of 18 and 21 and is participating in Extended Foster Care.
- The beneficiary turns 18 and has a physical or mental disability.

DCF must disburse the money if the child leaves DCF custody due to adoption or placement with a parent or a relative.²¹ Once the child turns 18 years of age and is no longer in the custody of DCF, DCF must disburse any money it is holding to the child or as the child directs.²²

¹⁰ *Id.*

¹¹ [S. 402.33\(1\)\(e\), F.S.](#) A representative payee acts on behalf of a client as the receiver of any or all benefits.

¹² 38 U.S.C. § 13.100.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ 38 U.S.C. Code § 5502.

¹⁶ Department of Children and Families, *Child Welfare Operating Procedure—No. 170-16*, <https://resourcelibrary.myflfamilies.com/cfop170/CFOP%20170-16.%20%20%20%20Administrative%20Functions.pdf> (last visited January 28, 2026).

¹⁷ 65C-17.003, F.A.C.

¹⁸ *Id.*

¹⁹ [S. 402.17, F.S.](#)

²⁰ *Supra*, note 16. See also, [S. 402.17, F.S.](#)

²¹ *Supra*, note 16.

²² [S. 402.17, F.S.](#) See also, 38 U.S.C Code § 5502.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Human Services Subcommittee	17 Y, 0 N, As CS	2/4/2026	Mitz	Clenord
THE CHANGES ADOPTED BY THE COMMITTEE:	<ul style="list-style-type: none"> • Clarifies that the Department of Children and Families (DCF) must receive, deposit, and conserve all survivor benefit payments provided by the United States Department of Veterans Affairs on behalf of a foster child in its care and must disburse those funds to the child when he or she turns 18 years of age. • Clarifies that DCF is prohibited from using the survivor benefit payments to reimburse the state for the cost of care of the foster child. 			
Health Care Budget Subcommittee				
Health & Human Services Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
