

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.)

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

BILL: SB 1594

INTRODUCER: Senator Gaetz

SUBJECT: Veteran Benefit Payments to Minor Clients

DATE: February 10, 2026

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|------------------|-----------|--------------------|
| 1. | <u>Fiore</u> | <u>Tuszynski</u> | <u>CF</u> | <u>Favorable</u> |
| 2. | <u>Proctor</u> | <u>Proctor</u> | <u>MS</u> | <u>Pre-meeting</u> |
| 3. | _____ | _____ | <u>FP</u> | _____ |

I. Summary:

SB 1594 authorizes the Department of Children and Families to access certain federal veteran benefit payments that are deposited into a combined account for a minor client when the client reaches 18 years of age, or up to 23 years of age if the client is enrolled in school.

The bill limits the use of such funds to postsecondary education services and support and aftercare services under the Road-to-Independence Program in s. 409.1451, F.S. The bill expressly prohibits these funds from supplanting existing financial assistance provided under s. 409.1451(2)(b), F.S.

The bill has no anticipated fiscal impact.

The bill takes effect July 1, 2026.

II. Present Situation:

Department Authority to Collect and Use Funds on Behalf of Children in Care

Section 402.33, F.S., governs the authority of the Department of Children and Families (DCF), Department of Health, and the Agency for Persons with Disabilities to charge fees for services provided and to collect certain payments or benefits on behalf of individuals receiving services.¹ These state agencies may actively assist a client or their responsible party (e.g., parents, guardians, or other legally responsible parties) in obtaining any financial benefits they are entitled to by law.² The statute also allows these state agencies to serve as a representative payee for those benefits and to receive them on the client's behalf.³ "Benefit payments" contemplated

¹ Section 402.33(2)-(3), F.S.

² Section 402.33(3), F.S.

³ *Id.*

under the statute include cash payments from the United States Department of Veterans Affairs (VA).⁴ While the statute authorizes these state agencies to receive VA payments on behalf of clients, it does so for the purpose of offsets to reduce the client's liability for departmental fees. The statute does not expressly address these state agencies' ability to access or utilize federal veteran benefit payments for purposes related to postsecondary education services and support or aftercare services.

Any funds that are lawfully entrusted to the DCF for the personal benefit of its clients, including dependent children, must be held in trust and administered to protect both the short-term and long-term interests of the client.⁵ Acting in this fiduciary capacity, the DCF administers a court-approved Master Trust to receive, hold, and manage benefit payments and other assets for children in its custody, including Social Security and VA benefits.⁶

Federal Veterans Affairs Benefit Payments

The VA administers a variety of benefit programs that may provide payments to dependents of eligible veterans, including minor children. These benefits can include dependency and indemnity compensation, survivors' benefits, and education-related assistance, depending on the veteran's service and eligibility status.⁷ Federal law authorizes the VA to temporarily pay VA benefits to the person who has custody and control of a minor beneficiary, provided the funds are used solely for the benefit of that beneficiary.⁸ Funds held in trust by the federal government may be released to the beneficiary upon attainment of majority or to the beneficiary's fiduciary.⁹

There are two independent pathways for a state agency to qualify as a fiduciary. One pathway requires the state agency to be legally vested with the responsibility or care of a beneficiary.¹⁰ Even though a child is adjudicated dependent, the DCF does not automatically qualify as a fiduciary under this pathway. Florida law treats "guardianship of the person" and "guardianship of the property" as distinct legal statuses. While it has custodial and placement authority over the child, the DCF does not have ownership or fiduciary control over a child's assets.¹¹ Another pathway to qualify as a fiduciary is to be appointed by the VA in a representative capacity to receive money paid for the use and benefit of a minor or other beneficiary.¹² The VA appoints fiduciaries through an administrative process that includes suitability screening and formal designation.¹³ While serving as a fiduciary, the DCF remains subject to ongoing federal oversight and accounting requirements.¹⁴

⁴ Section 402.33(1)(a), F.S.

⁵ Section 402.17(2), F.S.

⁶ See CFOP 170-16, Ch. 3; CFOP 170-16, at pg. 3-10; and Explanation of Master Trust Notice, attachment 1 to Ch. 3, <https://resourcelibrary.myflfamilies.com/cfop170/CFOP%20170-16.%20%20%20%20Administrative%20Functions.pdf> (last visited February 6, 2026).

⁷ See generally Benefits for Family and Caregivers, Veterans Affairs, <https://www.va.gov/family-and-caregiver-benefits/> (last visited February 6, 2026).

⁸ 38 U.S.C. § 5502(d).

⁹ *Id.*

¹⁰ 38 U.S.C. § 5506(1).

¹¹ Section 39.812(3), F.S.

¹² 38 U.S.C. § 5506(2).

¹³ 38 C.F.R. § 13.100.

¹⁴ 38 C.F.R. § 13.110 et seq.

The following table provides information on the different VA education benefits that may be available to the dependents of veterans:

| Program | Veteran Status | Type of Benefit | Who Receives Payment |
|---|---|--|--|
| Post-9/11 GI Bill (Transferred Entitlement) ¹⁵ | Veteran alive and eligible | <ul style="list-style-type: none"> Tuition & fees Monthly housing allowance (MHA) Books stipend | <ul style="list-style-type: none"> Tuition → school MHA & books → beneficiary or fiduciary |
| Fry Scholarship ¹⁶ | Service member died in line of duty after 9/11/2001 | <ul style="list-style-type: none"> Tuition & fees MHA Books stipend | <ul style="list-style-type: none"> Tuition → school MHA & books → beneficiary or fiduciary |
| Survivors' and Dependents' Educational Assistance (DEA) ¹⁷ | Veteran deceased or permanently/totally disabled | Monthly education assistance payment | Paid to beneficiary or fiduciary |

Road-to-Independence Program

Florida provides independent living services to young adults to help them transition out of foster care and to prepare them to become self-sufficient adults. In 2013, the Legislature established the Road-to-Independence Program as a voluntary service specifically to help eligible young adults who were formerly in foster care receive the skills, education, and support necessary to become self-sufficient through either postsecondary education services and support (PESS) or aftercare services (Aftercare).¹⁸ The following table provides information on the eligibility requirements to participate in PESS and Aftercare and the services provided by each:

| Road-to-Independence Program | | |
|---|---|--|
| Program | Eligibility | Services |
| Postsecondary Education Services and Support (PESS) ¹⁹ | Young adults who: <ul style="list-style-type: none"> Turned 18 years of age in foster care or is currently living in foster care; or Was at least 14 years of age and was adopted from foster care or placed with a court-approved dependency guardian after spending at least 6 months in licensed care within the 12 months immediately preceding such placement or adoption; and <ul style="list-style-type: none"> Spent at least 6 months in licensed care before reaching his or her 18th birthday; | \$1,720 monthly or the monthly room and board rate, depending on the eligibility conditions the child meets. |

¹⁵ 38 U.S.C. §§ 3311(b) and 3319.

¹⁶ 38 U.S.C. §§ 3311(b)(8)-(10) and 3311(f).

¹⁷ 38 U.S.C. § 3500 et seq.

¹⁸ Ch. 2013-178, Laws of Florida; and s. 409.1451(1)(c), F.S.

¹⁹ Section 409.1451(2), F.S.

| Road-to-Independence Program | | |
|------------------------------|--|--|
| Program | Eligibility | Services |
| | <ul style="list-style-type: none"> ○ Earned a high school diploma or equivalent; ○ Are attending a college or vocational school that is Bright Futures eligible; ○ Has reached 18 years of age but not 23 years of age. ○ Has applied for grants and scholarships; ○ Has submitted a Free Application for Federal Student Aid; and ○ Signed an agreement to allow the DCF and CBC lead agency access to school records. | |
| Aftercare ²⁰ | <p>Young adults who have reached 18 years of age but are not yet 23 and are:</p> <ul style="list-style-type: none"> ● Not in EFC. ● Temporarily not receiving PESS. <p>Subject to available funding, aftercare services are also available to a young adult who is between the ages of 18 and 22, and is:</p> <ul style="list-style-type: none"> ● Receiving PESS during an emergency situation but lacks the sufficient resources to meet the emergency situation; or ● Was placed by a court in out-of-home care, lived in out-of-home care for at least 6 months after turning 14 years of age, and did not achieve reunification with his or her parent or guardian. | <p>Services include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ● Mentoring and tutoring. ● Mental health and substance abuse counseling. ● Life skills classes. ● Parenting classes. ● Job and career skills training. ● Counselor consultations. ● Temporary financial assistance. |

III. Effect of Proposed Changes:

Section 1 amends s. 402.33, F.S., to authorize the DCF²¹ to access benefit payments provided by the VA that are deposited into a combined account for a minor client. The authority applies when the minor attains 18 years of age, or up to 23 years of age if the individual is enrolled in school.

The section limits the use of such accessed VA benefit payments to PESS and Aftercare under s. 409.1451, F.S. The section further provides that the DCF may not supplant the financial assistance provided under s. 409.1451(2)(b), F.S., thereby preserving the existing level of state-funded assistance of \$1,720/month for eligible individuals.

By expressly authorizing access to VA benefit payments for these specified purposes, the bill provides statutory authority for the DCF to facilitate coordination of funds between federal benefit payments and state programs designed to support young adults transitioning from foster care to independence.

²⁰ Section 409.1451(3), F.S.

²¹ Under s. 402.33(1)(c), F.S., the term “department” expressly includes the DCF, the Department of Health (DOH), and the Agency for Persons with Disabilities (APD). Despite the shared definition, the postsecondary education services and supports program and the aftercare program under s. 409.1451, F.S., are administered by DCF. DOH and APD do not oversee foster care aftercare or postsecondary support services, nor do those agencies typically manage education-related benefit accounts for former foster youth. As a result, DCF would be the only agency likely to access or use these funds in practice.

Section 2 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements. The bill does not create or expand an exemption. Thus, the bill does not require an extraordinary vote for enactment.

C. Trust Funds Restrictions:

None identified.

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on select DCF minor clients. The bill authorizes the DCF to access certain federal veteran benefit payments that are deposited into a combined account for a minor client that may be used for postsecondary education services and support and aftercare services under the Road-to-Independence Program.

C. Government Sector Impact:

None identified.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill substantially amends section 402.33 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.