

House Bill No. 1189

An act relating to the education of children of deceased or disabled veterans; amending s. 295.01, F.S.; extending the opportunity to receive postsecondary educational benefits at state expense to the dependent children of certain dead or disabled veterans who were Florida residents when the death or disability occurred; decreasing the minimum required length of the parent's residency; amending s. 295.0185, F.S.; providing educational opportunity at state expense for dependent children of military personnel who die or suffer a specified disability in Operation Iraqi Freedom; amending s. 295.02, F.S.; authorizing the use of funds for educational opportunities for the children of certain deceased and disabled veterans; providing an effective date.

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

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

295.01 Children of deceased or disabled veterans; education.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents was a resident of the state at the time such parent entered the Armed Forces and:

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

(b) Has been:

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

2. 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 United States Armed Services; or

3. Issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17,

when the parents of such children have been bona fide residents of the state for 1 year immediately 5 years next preceding the death or occurrence of such disability ~~their application for the benefits hereof~~, and subject to the rules, restrictions, and limitations set forth in this section ~~hereof~~.

(2) Sections ~~The provisions of ss.~~ 295.03, 295.04, 295.05, and 1009.40 shall apply.

(3) The State Board of Education shall adopt rules for administering this section.

Section 2. Section 295.0185, Florida Statutes, is amended to read:

295.0185 Children of deceased or disabled military personnel who die or become disabled in Operation Enduring Freedom; or Operation Iraqi Freedom; educational opportunity.—

(1) It is declared to be the policy of the state to provide educational opportunity at state expense for the dependent children of those military personnel who die or suffer a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who are determined to have a service-connected total and permanent disability rating of 100 percent and are in receipt of disability retirement pay from any branch of the United States Armed Services, while participating in Operation Enduring Freedom, which began on October 7, 2001, or while participating in Operation Iraqi Freedom, which began on March 19, 2003, if such military personnel have been residents of the state during the period of military action. A certified copy of a death certificate, a valid identification card issued in accordance with the provisions of s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services is prima facie evidence that the dependent children of such military personnel are eligible for educational benefits.

(2) Sections ~~The provisions of ss.~~ 295.03, 295.04, 295.05, and 1009.40 apply.

Section 3. Section 295.02, Florida Statutes, is amended to read:

295.02 Use of funds; age, etc.—All sums appropriated and expended under this chapter shall be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the children of deceased or disabled veterans or service members, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, or s. 295.0195, or of parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, who are between the ages of 16 and 22 years and who are in attendance at a state-supported institution of higher learning, including a community college or career center. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed. The Department of Education shall administer this educational program subject to regulations of the department.

Section 4. This act shall take effect July 1, 2005.

Approved by the Governor June 1, 2005.

Filed in Office Secretary of State June 1, 2005.