

CHAPTER 2023-279

Committee Substitute for House Bill No. 339

An act relating to education of dependents of deceased or disabled servicemembers, prisoners of war, and persons missing in action; amending s. 295.01, F.S.; defining the terms “Armed Forces” and “servicemember”; revising eligibility requirements for educational benefits provided by the state to a spouse or dependent child of a deceased or disabled servicemember; amending s. 295.015, F.S.; revising eligibility requirements for educational benefits provided by the state to a dependent child of a prisoner of war or a person missing in action; amending ss. 295.016, 295.017, 295.0185, and 295.0195, F.S.; revising eligibility requirements for educational benefits provided by the state to a dependent child of a deceased or disabled servicemember who participated in certain military operations; amending s. 295.02, F.S.; conforming cross-references; 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; Spouses and dependent children~~ of deceased or disabled servicemembers; education.—

(1) As used in this section, the terms “Armed Forces” and “servicemember” shall have the same meanings as provided in s. 250.01.

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

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

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

~~a.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;~~

~~b.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 Forces Services; or~~

~~c.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 residents of the state for 1 year immediately preceding the death or the occurrence of such disability, and subject to the rules, restrictions, and limitations set forth in this section.

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

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

2. The child qualifies as a resident for tuition purposes under s. 1009.21.

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

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

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

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

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

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

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

~~2. if the unremarried spouse applies to use the benefit within 5 years after the servicemember’s death and;~~

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

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

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

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

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

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

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

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

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

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

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

Section 2. Section 295.015, Florida Statutes, is amended to read:

295.015 Children of prisoners of war and persons missing in action; education.—

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

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

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

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

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

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

295.016 Children of servicemembers who died or became disabled in Operation Eagle Claw; education.—

~~(1) It is the hereby declared to be a policy of the state to provide educational opportunity at state expense for a the dependent child children of a any servicemember who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who has been 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 Forces Services, while participating in the Iranian rescue mission known as Operation Eagle Claw, which servicemember was residing in the state on April 25, 1980.~~

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans’ Affairs in accordance with 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 Forces is Services shall be prima facie evidence of the fact that the dependent child children of the servicemember is are eligible for educational such benefits.

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

1. On April 25, 1980, Florida was listed as the servicemember’s official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or

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

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

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

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

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

(a) ~~A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs 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 Forces is Services shall be prima facie evidence of the fact that the dependent child children of the servicemember is are eligible for educational such benefits.~~

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

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

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

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

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

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

(1) ~~It is declared to be the policy of the state to provide educational opportunity at state expense for a the dependent child children of a servicemember who died or suffered 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 has been are determined to have a service-~~

connected total and permanent disability rating of 100 percent and is are in receipt of disability retirement pay from any branch of the United States Armed Forces 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) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs 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 Forces Services is prima facie evidence that the dependent child children of such servicemember is military personnel are eligible for educational benefits.

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

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

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

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

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

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

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

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs 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 Forces ~~is shall be~~ prima facie evidence of the fact that the dependent ~~child~~ children of such ~~servicemember is~~ military personnel are eligible for educational benefits.

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

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

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

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

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

295.02 Use of funds; age, etc.—

(1) Sums appropriated and expended to carry out the provisions of s. 295.01(2) ~~s. 295.01(1)~~ may 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 servicemembers, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, 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 an eligible postsecondary education institution as defined in s. 295.04. 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.

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

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

Approved by the Governor June 22, 2023.

Filed in Office Secretary of State June 22, 2023.