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1
 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 terms "Armed Forces" and "servicemember";
 6 revising eligibility requirements for educational
 7 benefits provided by the state to a spouse or
 8 dependent child of a deceased or disabled
 9 servicemember; amending s. 295.015, F.S.; revising
 10 eligibility requirements for educational benefits
 11 provided by the state to a dependent child of a
 12 prisoner of war or a person missing in action;
 13 amending ss. 295.016, 295.017, 295.0185, and 295.0195,
 14 F.S.; revising eligibility requirements for
 15 educational benefits provided by the state to a
 16 dependent child of a deceased or disabled
 17 servicemember who participated in certain military
 18 operations; amending s. 295.02, F.S.; conforming
 19 cross-references; providing an effective date.
 20

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

22
 23 Section 1. Section 295.01, Florida Statutes, is amended to
 24 read:
 25 295.01 ~~Children of deceased or disabled veterans;~~ Spouses

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26 | and dependent children of deceased or disabled servicemembers;
 27 | education.—

28 | (1) As used in this section, the terms "Armed Forces" and
 29 | "servicemember" shall have the same meanings as provided in s.
 30 | 250.01.

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
 39 | Veterans Affairs or its predecessor to have a service-connected
 40 | 100-percent total and permanent disability rating for
 41 | compensation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 (4)3 Sections 295.03-295.05 and 1009.40 shall apply.

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

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

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

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

121 (1) It is ~~hereby declared to be~~ the policy of the state to
 122 provide educational opportunity at state expense for a dependent
 123 child of a parent who ~~children either of whose parents~~ has been
 124 classified as a prisoner of war or missing in action in the
 125 service of the United States Armed Forces ~~of the United States~~

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126 or in the capacity of civilian personnel captured while serving
 127 with the consent or authorization of the United States
 128 Government. Such educational opportunity shall be provided until
 129 such time as the parent so classified is returned alive or the
 130 parent's remains are recovered.

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

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

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

142 ~~(3)(2) Sections 295.03-295.05 The provisions of ss.~~
 143 ~~295.03-295.05 and 1009.40 shall apply.~~

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

146 295.016 Children of servicemembers who died or became
 147 disabled in Operation Eagle Claw; education.—

148 (1) It is the ~~hereby declared to be a~~ policy of the state
 149 to provide educational opportunity at state expense for a ~~the~~
 150 dependent child ~~children~~ of a ~~any~~ servicemember who died or

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151 suffered a service-connected 100-percent total and permanent
 152 disability rating for compensation as determined by the United
 153 States Department of Veterans Affairs, or who has been
 154 determined to have a service-connected total and permanent
 155 disability rating of 100 percent and is in receipt of disability
 156 retirement pay from any branch of the United States Armed Forces
 157 Services, while participating in the Iranian rescue mission
 158 known as Operation Eagle Claw, ~~which servicemember was residing~~
 159 ~~in the state on April 25, 1980.~~

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

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

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

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176 Enrollment Eligibility Reporting System (DEERS) database; or
 177 2. The child qualifies as a resident for tuition purposes
 178 under s. 1009.21 and the servicemember, if living, is a resident
 179 of this state.

180 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
 181 ~~295.05~~ and 1009.40 shall apply.

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

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

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

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201 inclusive, ~~which servicemember was residing in the state during~~
 202 ~~those periods of military action.~~

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

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

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

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

224 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
 225 ~~295.05~~ and 1009.40 shall apply.

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

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

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

247 (a) A certified copy of a death certificate, a valid
 248 identification card issued by the Department of Veterans'
 249 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
 250 certifying the service-connected 100-percent total and permanent

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251 disability rating for compensation from the United States
 252 Department of Veterans Affairs, or a letter certifying the
 253 service-connected total and permanent disability rating of 100
 254 percent for retirement pay from any branch of the United States
 255 Armed Forces ~~Services~~ is prima facie evidence that the dependent
 256 child ~~children~~ of such servicemember ~~is military personnel~~ are
 257 eligible for educational benefits.

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

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

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

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

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

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

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

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

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301 the dependent child ~~children~~ of such servicemember ~~is~~ military
 302 ~~personnel~~ are eligible for educational benefits.

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

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

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

313 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
 314 ~~295.05~~ and 1009.40 shall apply.

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

317 295.02 Use of funds; age, etc.—

318 (1) Sums appropriated and expended to carry out the
 319 provisions of s. 295.01(2) ~~s. 295.01(1)~~ may be used to pay
 320 tuition and registration fees, board, and room rent and to buy
 321 books and supplies for the children of deceased or disabled
 322 veterans or servicemembers, as defined and limited in s. 295.01,
 323 s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or
 324 s. 295.0195, or of parents classified as prisoners of war or
 325 missing in action, as defined and limited in s. 295.015, who are

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326 | between the ages of 16 and 22 years and who are in attendance at
327 | an eligible postsecondary education institution as defined in s.
328 | 295.04. Any child having entered upon a course of training or
329 | education under the provisions of this chapter, consisting of a
330 | course of not more than 4 years, and arriving at the age of 22
331 | years before the completion of such course may continue the
332 | course and receive all benefits of the provisions of this
333 | chapter until the course is completed.

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

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