

STORAGE NAME: h1649z.ca
DATE: July 1, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: 2ND ENG/HB 1649
RELATING TO: Veterans' Homes (Veterans Domiciliary Home of Florida)
SPONSOR(S): Representative Gay and other
STATUTE(S) AFFECTED: Chapter 296, Florida Statutes
COMPANION BILL(S): SB 594 (s) HB 3753 (c)
ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 1649 was filed March 21, 1997; passed the Committee on Community Affairs favorably with one amendment on April 30, 1997; and passed the House on May 1, 1997 with amendment(s) adopted by a vote of 114 YEAS 0 NAYS. The Senate received the bill May 1, 1997 and referred it to the Senate Community Affairs Committee and the Senate Ways and Means Committee. The bill was carried over to the 1998 Session and placed on the House Consent Calendar on March 17, 1998. The bill was read a second time, amendment(s) adopted; read a third time; and passed the House, as amended, 116 YEAS 0 NAYS. The bill was received in Senate Messages April 1, 1998 and referred to the Committees on Community Affairs and Ways and Means. The bill was withdrawn from those committees, substituted for Senate Bill 594; read a third time and passed the Senate 37 YEAS 0 NAYS on April 8, 1998. The bill became law without the Governor's signature on April 22, 1998 and is chapter 98-16, Laws of Florida.

II. SUMMARY:

This bill provides statutory authority for the Veterans' Domiciliary Home in Lake City, Florida, to provide extended congregate care to residents. This level of care is in addition to independent living currently authorized by statute. The effect of the bill is to fully utilize the facility and offer a level of care to veterans not currently offered at the other state-owned nursing home facility in Daytona Beach, Florida.

The fiscal impacts of this bill do not impact the 1998 state budget. The 1996 Legislature appropriated positions and money for this level of care at the Domiciliary. The potential savings to counties in Medicaid costs is positive. The bill eliminates a \$55 Medicaid charge per county resident for those veterans qualified for placement in the assisted care portion of the Veterans' Domiciliary in Lake City, Florida.

The bill also provides that the Veterans' Domiciliary Home of Florida located in Lake City, Florida be designated the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida." The Florida Department of Veterans' Affairs is directed to erect suitable markers

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Veterans' Domiciliary Home of Florida Act was established by the Legislature in 1989 for veterans who served in wartime or peacetime service, and maintained for the use of those veterans who are not in need of hospitalization or nursing home care and who can attend to their personal needs, dress themselves, and attend a general dining facility. The Florida Department of Veterans' Affairs (FDVA) manages and maintains the domiciliary, which is located in Lake City. To be eligible for admittance into the domiciliary, the veteran must have been a resident of the state for three years immediately preceding application and be a resident of the state at the time of the application. Section 296.07, F.S., provides that a person who is mentally ill, habitually inebriated, or suffers from drug addiction is ineligible from being received or retained in the domiciliary.

Codified as part I of chapter 296, F.S., the act provides for definitions and establishes the duties and qualifications, and responsibilities of the domiciliary's administrator who functions as the chief executive of the domiciliary. The administrator is required to determine the eligibility and admission of the applicants to the domiciliary and adopts all rules, with the executive director of the FDVA, needed for the preservation of order and the enforcement of discipline in the domiciliary. In determining the eligibility of applicants to the domiciliary, the administrator must give admittance priority in accordance with section 296.08, F.S.

Health records are required to be maintained for each member and must contain an identification sheet, a medical history, a report of initial physical examination, and other subsequent records of treatment and progress. Section 296.09, F.S., 1996 Supplement, also requires an annual reevaluation of the member's health status to be conducted and recorded.

Section 296.10, F.S., requires every member of the domiciliary who receives a pension, compensation, or gratuity from the U.S. Government, or income from another source of more than \$100 per month to contribute to his or her maintenance and support as long as they reside in the domiciliary. The amount of the contributions must be to the fullest extent possible, but must not exceed the actual cost of operating and maintaining the domiciliary. Sections 296.11 and 296.12, F.S., 1996 Supplement, provide for the authorization and creation of the Administrative Trust Fund, the General Home Trust Fund, and the Members' Deposits Trust Fund. Section 296.13, F.S., provides for the disposition of moneys held by the domiciliary, or by the authority, and belonging to any domiciliary member upon the death of the member. The home is also authorized to receive and accept grants, gifts, and endowments in the name of the domiciliary.

The executive director of the FDVA is required to annually report to the Governor and the Legislature stating all receipts and expenditures, the condition of the domiciliary, the number of members received and discharged during the preceding year, as well as other information related to the management and conduct of the domiciliary.

Part II of chapter 296, F.S., the Veterans' Nursing Home of Florida Act, establishes the basic standards for the operation of the nursing home for eligible veterans in need of such service.

Chapter 400, F.S., relates to nursing homes and related health care facilities. The purpose of extended congregate care, defined in section 400.402(11), F. S., is to enable residents to "age in place" in a residential environment despite mental or physical limitations that might otherwise disqualify them from residency in a facility licensed under part III of chapter 400, F.S., assisted living facilities.

Present law provides that no state building, road, bridge, park, recreational complex, or other similar facility be named for any living person.

On January 15, 1998, the Department of Veterans' Affairs (DVA) requested that the Division of Historical Resources, Department of State, name the Veterans' Domiciliary Home of Florida, located in Lake City, Florida, in honor of Private First Class Robert H. Jenkins, Jr.

PFC Robert Jenkins was born on June 1, 1948 in Interlachen, Putnam County, Florida. He entered the Marine Corps on February 2, 1968. PFC Jenkins was assigned in Vietnam with the Marine Third Reconnaissance Battalion as a scout and driver. The Reconnaissance battalion's duty was to patrol the border area and help maintain control of several Marine fire control support bases on or near the demilitarized zone. On March 5, 1969, PFC Jenkins' fire-based position was assaulted by a north Vietnamese platoon. An enemy soldier threw a hand grenade into his position landing next to another Marine. Fully realizing the inevitable result of his actions, PFC Jenkins pushed the fellow Marine to the ground, and absorbed the full impact of the explosion of the handgrenade. PFC Jenkins was seriously wounded, and subsequently succumbed to his wounds on March 5, 1969. He received the Medal of Honor posthumously on April 20, 1970 for his heroic actions. He also received the Purple Heart, Combat Action Ribbon, National Defense Service Medal, Vietnam Service Medal and Vietnam Campaign Medal.

PFC Jenkins' name was chosen at an announced public hearing by a committee of local dignitaries from Columbia County and state employees assigned to the Florida Department of Veterans' Affairs. The committee also had representation from Representative Mackey's office. The committee made its recommendation to the Executive Director of the Department, who approved the naming of the Domiciliary Home in honor of PFC Robert H. Jenkins, Jr.

B. EFFECT OF PROPOSED CHANGES:

This bill provides statutory authority for the Veterans' Domiciliary Home in Lake City, Florida, to provide extended congregate care to residents. This level of care is in addition to independent living currently authorized by statute. The effect of the bill is to fully utilize the facility and offer a level of care to veterans not currently offered at the other state-owned nursing home facility in Daytona Beach, Florida.

The bill also provides that the Veterans' Domiciliary Home of Florida located in Lake City, Florida be designated the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida." The Florida Department of Veterans' Affairs is directed to erect suitable markers

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

Not directly. However, by providing counties a savings from not being required to pay a \$55 monthly fee required under section 409.915(2), F. S., for each county resident placed in a nursing home under the Medicaid Program, counties may not have to increase other taxes or fees.

- d. Does the bill reduce total fees, both rates and revenues?

Yes.

The bill eliminates the Medicaid fee for each eligible county resident who qualifies for placement in the assisted care portion of the Veterans' Domiciliary in Lake City, Florida.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

Not applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

Not applicable.

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

b. Does the bill directly affect the legal rights and obligations between family members?

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

D. SECTION-BY-SECTION RESEARCH:

Section 1 amends section 296.02, F.S., to provide definitions for the following terms: "extended congregate care," "mentally ill," and "veteran." The section revises definitions for the terms "peacetime service" and "Veterans' Domiciliary of Florida." The term "resident" replaces the term "member" throughout the bill.

Section 2 amends section 296.03, F.S., to provide additional intent language that the domiciliary meets the needs of veterans who are in need of extended congregate care.

Section 3 amends section 296.04(5) and (6), F.S., relating to the administrator's duties and qualifications, to replace the term "member(s)" with "resident(s)."

Section 4 amends section 296.06(1) and (2), F.S., to reduce the residency requirement for veterans applying for admittance into the domiciliary from three years to one year and to add an eligibility requirement that the veteran must not owe money to the FDVA for services rendered during any previous stay at a department facility. The section also replaces the term "member(s)" with "resident(s)."

Section 5 amends section 296.07, F.S., relating to ineligible persons, to make technical corrections and replaces the term "member" with "resident."

Section 6 amends section 296.08, F.S., relating to priority of admittance, to make technical changes and corrects a reference.

Section 7 amends section 296.09, F.S., 1996 Supplement, relating to health records, to make technical corrections and replace the term "member" with "resident."

Sections 8 thru 14 amends subsections 296.10, F.S., through 296.16, F.S., to make technical corrections and replace the term "member" with "resident."

Section 15 amends section 296.34(5), F.S., to replace the term "member" with "resident."

Section 16 amends section 296.36, F.S., relating to eligibility and priority of admittance, to change the residency requirement from three years to one year for veterans applying for admittance into the veterans' nursing home.

Section 17 directs the Division of Statutory Revision to revise the catch line of section 296.37, F.S., to read: "Residents; contribution to support."

Section 18 amends section 296.38(3), F.S., 1996 Supplement, to replace the term "member" with "resident."

Section 19 provides that the Veterans' Domiciliary Home of Florida located in Lake City, Florida be designated the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida." The Florida Department of Veterans' Affairs is hereby directed to erect suitable markers.

Section 20 provides an effective date of upon becoming law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

According to the Florida Department of Veterans Affairs, the domiciliary's 150 beds have never been fully utilized. The provisions of this bill allow 35 of those 150 beds to be used to provide extended congregate care. It is anticipated that occupancy will increase or maybe reach the full 150-bed capacity. Additional resident co-payments and associated revenues generated by increased occupancy is estimated by the department to be approximately \$200,000 annually. In addition, state funds are saved by not having to pay higher nursing home care costs.

3. Long Run Effects Other Than Normal Growth:

See III. A.2. above.

4. Total Revenues and Expenditures:

See III. A.2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Not applicable.

2. Recurring Effects:

By providing counties a savings from not being required to pay a \$55 monthly fee required under section 409.915(2), Florida Statutes, for each county resident placed in a nursing home under the Medicaid Program, counties may not have to increase other taxes or fees.

3. Long Run Effects Other Than Normal Growth:

See III. B.2. above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Eligible veterans would receive extended congregate care at the domiciliary rather than at a nursing home.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

According to the Florida Department of Veterans Affairs, all personnel required to provide the extended care (five positions and \$111,000) were authorized and funded by the 1996 Legislature.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend money or take action that requires expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of cities and counties to raise total revenues over February 1, 1989 levels.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the total aggregate city or county percentage share of a state tax below February 1, 1989 levels.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment clarifying the definition of "peacetime service" was adopted by the Committee on Community Affairs on April 30, 1997. On April 1, 1998, two amendments were adopted on the House floor. The first amendment provided technical corrections to the bill. The second amendment provided that the Domiciliary Home in Lake City, Florida, be named for P.F.C. Robert H. Jenkins. The Department of Veterans Affairs is responsible for erecting suitable markers.

VIII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Jenny Underwood Dietzel

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PAGE 10

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

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