

By Representative Gay

1 A bill to be entitled
2 An act relating to veterans' homes, including
3 the Veterans' Domiciliary Home of Florida and
4 the Veterans' Nursing Home of Florida; amending
5 s. 296.02, F.S.; providing definitions;
6 amending s. 296.03, F.S.; including extended
7 congregate care in the types of care offered by
8 the domiciliary home; amending s. 296.04, F.S.;
9 replacing the term "member" with the term
10 "resident"; amending s. 296.06, F.S.; amending
11 prerequisites to eligibility for admission to
12 the domiciliary home; amending s. 296.07, F.S.;
13 replacing the term "member" with the term
14 "resident"; amending s. 296.08, F.S.; amending
15 a cross-reference; amending s. 296.09, F.S.;
16 replacing the term "member" with the term
17 "resident"; amending the list of information
18 about each resident which is to be kept in the
19 general register; amending ss. 296.10, 296.11,
20 296.12, 296.13, 296.14, 296.15, 296.16, 296.34,
21 and 296.38, F.S.; replacing the term "member"
22 with the term "resident"; amending s. 296.36,
23 F.S.; amending the residency requirement for
24 admission into the Veterans' Nursing Home of
25 Florida; providing an effective date.

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

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29 Section 1. Section 296.02, Florida Statutes, is
30 amended to read:

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1 296.02 Definitions.--For the purposes of this part,
2 except where the context clearly indicates otherwise:

3 (1) "Applicant" means a veteran with wartime service
4 or peacetime service as defined in this section who is not in
5 need of hospitalization or nursing home care.

6 (2) "Department" means the Department of Veterans'
7 Affairs.

8 (3)~~(1)~~ "Director" means the executive director of the
9 Department of Veterans' Affairs.

10 (4)~~(2)~~ "Domiciliary care" means shelter, sustenance,
11 and incidental medical care provided on an ambulatory
12 self-care basis to assist eligible veterans who are disabled
13 by age or disease, but who are not in need of hospitalization
14 or nursing home care services.

15 (5) "Extended congregate care" has the meaning given
16 to that term under s. 400.402.

17 (6) "Mentally ill" means having an impairment of the
18 emotional process, of the ability to exercise conscious
19 control of one's actions, or of the ability to perceive
20 reality or to understand, which impairment substantially
21 interferes with a person's ability to meet the ordinary
22 demands of living, and which impairment cannot be controlled
23 by medication.

24 ~~(3) "Department" means the Department of Veterans'~~
25 ~~Affairs.~~

26 ~~(4) "Wartime service" means service as defined in s.~~
27 ~~1.01(14).~~

28 (7)~~(5)~~ "Peacetime service" means active military,
29 naval, or air service that is not during a wartime era as
30 defined in s. 1.01(14)~~subsection (4).~~

31

1 (8) "Resident" means any eligible veteran admitted to
2 residency in the home.

3 (9) "Veteran" means a person who served in the
4 military as defined in s. 1.01(14).

5 (10)(6) "Veterans' Domiciliary Home of Florida,"
6 hereinafter referred to as the "home," means a home
7 established by the state for veterans who served in wartime
8 service or in peacetime service, as defined in this section
9 subsections (4) and (5).

10 (11) "Wartime service" has the meaning given to that
11 term under s. 1.01(14).

12 ~~(7) "Applicant" means a veteran with wartime or~~
13 ~~peacetime service as defined in subsections (4) and (5), who~~
14 ~~is not in need of hospitalization or nursing home care.~~

15 ~~(8) "Member" means any eligible veteran admitted to~~
16 ~~residency in the home.~~

17 Section 2. Section 296.03, Florida Statutes, is
18 amended to read:

19 296.03 Veterans' Domiciliary Home of Florida.--The
20 Veterans' Domiciliary Home of Florida is ~~shall be~~ for veterans
21 who served in wartime service or peacetime service, as defined
22 in s. 296.02~~(4) and (5)~~, and is maintained for the use of
23 those veterans who are not in need of hospitalization or
24 nursing home care and who can attend to their personal needs,
25 dress themselves, and attend a general dining facility, or who
26 are in need of extended congregate care.

27 Section 3. Subsections (5) and (6) of section 296.04,
28 Florida Statutes, are amended to read:

29 296.04 Administrator; duties and qualifications;
30 responsibilities.--

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1 (5)(a) The administrator shall administer and enforce
2 all rules of the home, including rules of discipline, and may
3 ~~shall have the power to~~ dismiss any resident member of the
4 home for any infraction of the such rules, subject to the
5 approval of the director.

6 (b) When the administrator determines that a resident
7 ~~member~~ has caused physical damage to the home, he or she shall
8 determine the cost of repairs and take action to recover such
9 sum from the resident member who caused the damage. The
10 administrator shall recover the such sum by increasing the
11 resident's member's monthly copayment, holding funds of the
12 resident member that are on deposit in the Residents' Members'
13 Deposits Trust Fund, or holding personal property of the
14 resident which member that is held by the administrator for
15 safekeeping pursuant to s. 296.14.

16 (6) The administrator may require residents and
17 ~~compensate members~~ of the home to render such assistance in
18 the care of the home and grounds as their physical condition
19 will permit and may compensate a resident for such assistance.

20 Section 4. Section 296.06, Florida Statutes, is
21 amended to read:

22 296.06 State policy; eligibility
23 requirements.--eligibility requirements.--

24 (1) It is the policy of the state to admit residents
25 ~~members~~ into the home without regard to race, age, sex, creed,
26 religion, national origin, or any other reason that would
27 thereby create a practice of discrimination. However, an
28 applicant's veteran status shall not constitute
29 discrimination.

30 (2) To be eligible for residency in the home, a
31 veteran must ~~shall~~:

1 (a) Have wartime service or peacetime service as
2 defined in ss. 1.01(14) and 296.02.

3 (b) Have been a resident of the state for 1 year ~~3~~
4 ~~years~~ immediately preceding application and be a resident of
5 the state at the time of application.

6 (c) Not be mentally ill, habitually inebriated, or
7 addicted to drugs.

8 (d) Not owe money to the department for services
9 rendered during any previous stay at a department facility.

10 Section 5. Section 296.07, Florida Statutes, is
11 amended to read:

12 296.07 Certain persons ineligible.--~~A No person shall~~
13 ~~be received or retained in the home~~ who is mentally ill,
14 habitually inebriated, or addicted to the use of drugs may not
15 be received or retained in the home. It is the legislative
16 intent that a resident member of the home who is discharged
17 therefrom, or voluntarily leaves the home, because he or she
18 ~~such member~~ exhibits mental illness, inebriation, or drug
19 addiction shall be referred to appropriate federal, state, or
20 county agencies by the home for treatment.

21 Section 6. Section 296.08, Florida Statutes, is
22 amended to read:

23 296.08 Priority of admittance.--

24 (1) In determining the eligibility of applicants to
25 the home, the administrator shall give admittance priority in
26 accordance with the following schedule:

27 (a) Those veterans with wartime service, as defined in
28 s. 1.01(14), who have ~~with~~ service-connected disability or
29 disabilities but, ~~who~~ are not in need of hospitalization or
30 nursing home care.

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1 (b) Those veterans with wartime service, as defined in
2 s. 1.01(14), who have ~~with~~ non-service-connected disability or
3 disabilities but, ~~who~~ are not in need of hospitalization or
4 nursing home care.

5 (c) Those veterans with wartime service, as defined in
6 s. 1.01(14), other than those described in paragraphs (a) and
7 (b).

8 (d) Those veterans with peacetime service, as defined
9 in s. 296.02 ~~s. 296.02(5)~~.

10 (2) Before admission, each applicant shall file with
11 the administrator a certificate of eligibility, together with
12 a certified copy of his or her discharge, and any other
13 information that determined by the administrator determines to
14 be ~~as~~ necessary for admission purposes.

15 Section 7. Section 296.09, Florida Statutes, 1996
16 Supplement, is amended to read:

17 296.09 Health record and general register to be
18 maintained.--

19 (1) A health record for each resident must ~~member~~
20 ~~shall~~ be maintained and must ~~shall~~ contain an identification
21 sheet, a medical history, a report of initial physical
22 examination, and subsequent records of treatment and progress,
23 including medications, diets, and consultations. An annual
24 reevaluation of the resident's ~~member's~~ health status must
25 ~~shall~~ be conducted and recorded. The health record and the
26 annual reevaluation are confidential and exempt from the
27 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
28 Constitution, and must ~~shall~~ be preserved for a period of time
29 as determined by the director.

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1 (2) The administrator shall keep a general register,
2 in which must ~~shall~~ be recorded the following information
3 concerning each resident member admitted:

4 (a) Name, age, place of birth, and occupation.

5 (b) Date of admission.

6 (c) Residence at time of admission and, length of
7 residence in this state immediately prior to admission, ~~and~~
8 ~~residence at time of entering the service.~~

9 (d) Date of enlistment and date of discharge.

10 (e) Married or single.

11 (f) Pension or disability, rate of compensation,
12 estate, and any other income.

13 ~~(g) All fraternal societies to which the member~~
14 ~~belongs.~~

15 ~~(g)(h)~~ Any additional information that ~~which~~ the
16 administrator considers ~~deems~~ necessary.

17 Section 8. Section 296.10, Florida Statutes, is
18 amended to read:

19 296.10 Residents Members; contribution to support.--

20 (1) Each resident ~~Every member~~ of the home who
21 receives a pension, compensation, or gratuity from the United
22 States Government, or income from any other source of more
23 than \$100 per month, shall contribute to his or her
24 maintenance and support while a resident member of the home in
25 accordance with a schedule of payment determined by the
26 administrator and approved by the director. The total amount
27 of such contributions must ~~shall~~ be to the fullest extent
28 possible, but may not, ~~in no case, shall~~ exceed the actual
29 cost of operating and maintaining the home.

30 (2) Notwithstanding ~~The provisions of~~ subsection (1)
31 ~~notwithstanding~~, each resident member who participates in a

1 vocational rehabilitation or work incentive program shall
2 contribute to his or her support in an amount that is
3 determined by the administrator and approved by the director,
4 is to be computed at 50 percent of the resident's ~~member's~~ net
5 earnings after taxes and after the setoff of the first \$100
6 per month, and does not ~~to~~ exceed the cost of care. The
7 resident ~~member~~ is required to authorize the administrator of
8 the home to secure from the employer sufficient information to
9 verify the resident's ~~member's~~ earnings under the program.

10 (3) The administrator may, if there is room, admit to
11 residency in the home veterans who have sufficient means for
12 their own support, but are otherwise eligible to become
13 residents ~~members~~ of the home, on payment of the full cost of
14 their support, which cost and method of collection shall be
15 fixed ~~from time to time~~ by the administrator.

16 Section 9. Section 296.11, Florida Statutes, 1996
17 Supplement, is amended to read:

18 296.11 Funds of home and disposition of moneys.--

19 (1) The home shall deposit all moneys which it
20 receives for care of residents from the United States
21 Department of Veterans Affairs and residents ~~members~~ into the
22 Operations and Maintenance Trust Fund. All such moneys must
23 ~~shall~~ be expended for the purpose of operating and maintaining
24 the home subject to the requirements of chapter 216.

25 (2) The home shall deposit all moneys received
26 pursuant to s. 296.15 and all interest earned on moneys in the
27 Residents' ~~Members'~~ Deposits Trust Fund pursuant to s. 296.12
28 into the Grants and Donations Trust Fund. Moneys in the
29 Grants and Donations Trust Fund must ~~shall~~ be expended for the
30 common benefit of the residents ~~members~~ of the home such as

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1 improved facilities, recreational equipment, and recreational
2 supplies subject to the requirements of chapter 216.

3 (3) ~~Nothing contained in This section does not shall~~
4 ~~be construed to~~ prohibit the use of revolving funds or
5 clearing accounts if they provided that such are established
6 in the manner prescribed by law.

7 Section 10. Section 296.12, Florida Statutes, 1996
8 Supplement, is amended to read:

9 296.12 Residents' Members' Deposits Trust Fund.--

10 (1) There is ~~hereby~~ created a Residents' Members'
11 Deposits Trust Fund. All moneys received by the home under
12 pursuant to this section must shall be deposited into the
13 Residents' Members' Deposits Trust Fund, a local fund that is
14 administered by the home and ~~which~~ is not a part of the State
15 Treasury.

16 (2) The residents members of the home may voluntarily
17 deposit ~~moneys~~ with the home moneys that, which the home must
18 ~~shall~~ receive and keep without charge in the Residents'
19 Members' Deposits Trust Fund. Such moneys voluntarily
20 deposited with the home by a resident member may be withdrawn,
21 in whole or in part, at the will of the resident member. Upon
22 the resident's death, any balance that remains and is neither
23 disposed remaining upon the member's death, undisposed of by
24 will nor and not paid to his or her heirs at law must shall be
25 paid to the state in accordance with the provisions of chapter
26 717.

27 (3) Upon a resident's member's discharge or voluntary
28 departure from the home, if such moneys are not ~~so~~ demanded at
29 the time of discharge or departure, or within a period of 3
30 years thereafter, or demanded by the heirs, devisees, or
31 legatees in case of the resident's member's decease after his

1 or her discharge or voluntary departure, the moneys must ~~same~~
2 ~~shall~~ be paid to the state as provided in chapter 717.

3 (4) All accrued interest on this trust fund must ~~shall~~
4 be accounted for by the financial manager and deposited to the
5 Grants and Donations Trust Fund.

6 Section 11. Section 296.13, Florida Statutes, is
7 amended to read:

8 296.13 Death of resident member; disposition of moneys
9 held.--

10 (1) Any balance of moneys which belongs to a resident
11 and is held by the home, or by its authority, at the time of
12 the resident's death and which is not disposed and belonging
13 ~~to any home member shall, upon the death of the member, where~~
14 ~~undisposed~~ of by will, must be held as a special trust fund to
15 be paid by the home upon proof that ~~deemed to be proper to the~~
16 administrator considers proper, directly and without probate,
17 to heirs of the resident, except member, provided that the
18 administrator may ~~is hereby empowered to~~ disburse funds of any
19 deceased resident member for payment of the resident's
20 ~~member's~~ funeral expenses.

21 (2) If no heirs are discovered within 1 year after the
22 death of a resident member, or if the heirs who are discovered
23 within that ~~such~~ time are not entitled to all of the remaining
24 moneys the whole thereof, the moneys that are not paid to the
25 heirs nor disposed, and undisposed of by will must, shall be
26 paid to the state as provided in chapter 717.

27 Section 12. Section 296.14, Florida Statutes, is
28 amended to read:

29 296.14 Personal property; deceased residents members;
30 residents members leaving.--

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1 (1) Any resident member of the home may deposit
2 personal property other than money with the administrator for
3 safekeeping. The ~~Such~~ property must ~~shall~~ be returned to the
4 depositor upon demand, and a written statement of acceptance
5 must ~~shall~~ be executed by the depositor under oath.

6 (2) The administrator or the administrator's designee
7 must maintain an itemized record of the deposit of personal
8 property which contains ~~shall be maintained by the~~
9 ~~administrator or his or her designee, and shall contain, but~~
10 need not be limited to, the name of the depositor, the date of
11 deposit, a description of the article or articles deposited,
12 the disposition of the article or articles, and the date of
13 disposition.

14 (3) The personal property of a deceased resident which
15 ~~is member,~~not otherwise provided for,~~may~~ be held for the
16 heirs, devisees, or legatees for a period of 1 year after ~~from~~
17 the date of the resident's ~~member's~~ death. The personal
18 property of a resident member who is discharged or voluntarily
19 leaves may be held for the resident member or for his or her
20 heirs, devisees, or legatees for a period of 1 year after ~~from~~
21 the date of discharge or departure.

22 (4) The administrator may make a monthly charge for
23 the safekeeping of unclaimed personal property. If the charge
24 is not paid, a lien upon the property to secure its payment
25 accrues ~~shall accrue~~ to the home.

26 (5) The administrator shall ~~will~~ cause a public sale
27 to be held when in the judgment of the administrator the
28 probable value of the property exceeds the probable cost of
29 the sale. All cost incurred in the sale of the unclaimed
30 personal property must ~~shall~~ be reimbursed to the home along
31 with any lien on the property. All unclaimed funds must ~~shall~~

1 be disposed of in accordance with ~~the provisions of~~ chapter
2 717.

3 Section 13. Section 296.15, Florida Statutes, is
4 amended to read:

5 296.15 Gifts, grants, and endowments to the home.--The
6 home may ~~shall be empowered to~~ receive and accept gifts,
7 grants, and endowments in the name of the home. All such
8 gifts, grants, and endowments are to be used for the benefit
9 of the home and its residents ~~members~~. The administrator,
10 together with the director, shall ~~have the authority to~~
11 determine how these gifts, grants, and endowments could best
12 benefit the home and its residents ~~members~~ unless the
13 benefactor requests or instructs that the gift, grant, or
14 endowment be used for a specific purpose.

15 Section 14. Section 296.16, Florida Statutes, is
16 amended to read:

17 296.16 Reports to the Governor, Cabinet, and
18 Legislature.--The director shall report to the Governor, the
19 Cabinet, and the Legislature by December 31 of each year,
20 stating all receipts and expenditures, the condition of the
21 home, the number of residents ~~members~~ received and discharged
22 during the preceding year, and such other matters relating to
23 the management, conduct, and interest of the home as the
24 director considers ~~deems~~ proper, or as required by the
25 Governor, the Cabinet, or the Legislature. The director shall
26 also make any other reports that ~~which~~ the Governor, the
27 Cabinet, or the Legislature requires.

28 Section 15. Subsection (5) of section 296.34, Florida
29 Statutes, is amended to read:

30 296.34 Administrator; qualifications, duties, and
31 responsibilities.--

1 (5) The administrator shall administer and enforce all
2 rules of the home, including rules of discipline, and shall
3 have the power to dismiss any resident ~~member~~ of the home for
4 any infraction of rules, subject to the approval of the
5 director.

6 Section 16. Section 296.36, Florida Statutes, is
7 amended to read:

8 296.36 Eligibility and priority of admittance.--

9 (1) To be eligible for admittance to the home, the
10 person must ~~shall~~ be a veteran as defined in s. 1.01(14) and
11 must ~~shall~~:

12 (a) Be in need of nursing home care.

13 (b) Have been a resident of the state for 1 year ~~3~~
14 ~~years~~ immediately preceding, and at the time of application
15 for, admission to the home.

16 (2) Admittance priority must ~~shall~~ be afforded in the
17 following order of priority to an eligible veteran who is in
18 need of nursing home care and who ~~in accordance with the~~
19 ~~following~~:

20 (a) Has a service-connected disability as determined
21 by the United States Department of Veterans Affairs, or was
22 discharged or released from military service for disability
23 incurred or aggravated in the line of duty and the disability
24 is the condition for which nursing home care is needed.

25 (b) Has a non-service-connected disability and is
26 unable to defray the expense of nursing home care and so
27 states under oath before a notary public or other officer
28 authorized to administer an oath.

29 Section 17. In editing manuscript for the next edition
30 of the official Florida Statutes, the Division of Statutory
31 Revision of the Joint Legislative Management Committee is

1 directed to revise the catchline of s. 296.37, Florida
2 Statutes, to read: "Residents; contribution to support."
3 Section 18. Subsection (3) of section 296.38, Florida
4 Statutes, 1996 Supplement, is amended to read:
5 296.38 Funds of home and disposition of moneys.--
6 (3)(a) There is hereby created a Residents' ~~Members'~~
7 Deposits Trust Fund. All moneys received by the home pursuant
8 to this subsection shall be deposited into the Residents'
9 ~~Members'~~Deposits Trust Fund, a local fund administered by the
10 home and which is not a part of the State Treasury.
11 (b) The residents ~~members~~ of the home may voluntarily
12 deposit moneys with the home, which the home shall receive and
13 keep without charge in the Residents' ~~Members'~~Deposits Trust
14 Fund. Such moneys voluntarily deposited with the home by a
15 resident ~~member~~ may be withdrawn, in whole or in part, at the
16 will of the resident ~~member~~. Any balance remaining upon the
17 resident's ~~member's~~ death, undisposed of by will and not paid
18 to his or her heirs at law, shall be paid to the state in
19 accordance with the provisions of chapter 717.
20 (c) Upon a resident's ~~member's~~ discharge or voluntary
21 departure from the home, if such moneys are not so demanded at
22 the time of discharge or departure, or within a period of 3
23 years thereafter, or demanded by the heirs, devisees, or
24 legatees in case of the resident's ~~member's~~ decease after his
25 or her discharge or voluntary departure, the same shall be
26 paid to the state as provided in chapter 717.
27 (d) All accrued interest on this trust fund shall be
28 accounted for by the financial manager and deposited to the
29 Grants and Donations Trust Fund.
30 Section 19. This act shall take effect upon becoming a
31 law.

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HOUSE SUMMARY

Amends provisions relating to the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida. Amends definitions. Allows the domiciliary home to provide extended congregate care. Amends prerequisites for admission, including requirements for state residency preceding admission. Amends the list of information that must be kept on residents of the domiciliary home. Replaces the term "member" with the term "resident."