

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 962
 SPONSOR: Senator Sanderson
 SUBJECT: Veterans
 DATE: January 23, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises provisions relating to the administration of the state veterans' homes and revises the duties and procedures for the appointment of the homes' administrators. This bill also provides for the accounting of certain funds and deletes requirements for the deposit of certain interest into the Grants and Donations Trust Fund.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 296.04, 296.11, 296.12, 296.32, 296.33, 296.34, and 296.38.

II. Present Situation:

Florida is home to 1.7 million veterans, representing the second largest veteran population of any state in the nation. Florida also ranks second in the nation for veterans age 65 and over and veterans who were disabled as a direct result of active military service, and first in the nation for the number of the most seriously disabled veterans. Currently, the U.S. Department of Veterans' Affairs (VA) operates health care facilities in Florida, including six medical centers and 11 outpatient clinics. The VA spends approximately \$3 billion annually in veterans' benefits and services in Florida.

In 1989, the Legislature established the "Veterans' Domiciliary Home of Florida Act" for veterans who served in wartime or peacetime service (Part I of chapter 296, F.S.). The facility is available for 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, or who are in need of extended congregate care. The Florida Department of Veterans' Affairs (DVA) manages and maintains the domiciliary, which is located in Lake City. The domiciliary has the capacity to serve 150 residents. To be eligible for admittance into the domiciliary, the veteran

must have been a resident of the state for one year 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 addicted to the use of drugs is ineligible from being received or retained in the domiciliary.

Section 296.04, F.S., establishes the qualifications, duties and responsibilities of the domiciliary's administrator.

Section 296.11(2), F.S., requires all gifts, grants, and endowments received in the name of the Veterans' Domiciliary Home, and all interest earned on moneys in the Residents' Deposits Trust Fund, be deposited in the Grants and Donations Trust Fund of the State Treasury. The Residents' Deposits Trust Fund, created pursuant to section 296.12, F.S., is a local fund that is administered by the home and is not a part of the State Treasury.

Part II of chapter 296, F.S., the Veterans' Nursing Home of Florida Act, establishes the basic standards for the operation of the three current and two future Veterans' Nursing Homes in Florida. The homes are available to veterans who served in wartime or peacetime service, and who:

- be in need of nursing home care;
- have been a resident of the state for 1 year immediately preceding, and at the time of application for, admission to the home;
- not owe money to the department for services rendered during any previous stay at a department facility; and
- have applied for all financial assistance reasonably available through governmental sources.

Priority is given to veterans who have a service-connected disability, or who were discharged or released from military service for disability incurred or aggravated in the line of duty and the disability is the condition for which nursing home care is needed. Second priority is given to those veterans who have a non-service-connected disability and are unable to pay for nursing home care.

The DVA manages and maintains the nursing homes, which are located in Daytona Beach, Pembroke Pines, and Land-O-Lakes. The DVA is planning to open new facilities in Bay and Charlotte counties. Each nursing home has the capacity to serve 120 residents.

Section 296.32, F.S., defines the purpose of the Veterans' Nursing Home of Florida Act.

Section 296.33, F.S., provides definitions.

Section 296.34, F.S., establishes the qualifications, duties and responsibilities of Veterans' Home Administrators.

Section 296.38(3)(a), F.S., creates the Residents' Deposit Trust Fund for each respective Veterans' Nursing Home. These trust funds are locally administered by each respective nursing

home. All interest accrued on the fund must be accounted for by the financial manager of the nursing home and deposited in the Grants and Donations Trust Fund.

Current practice at the Baldomero Lopez Nursing Home has been to keep interest earned on deposit in the resident's account to offset bank service charges. The Florida Statutes require that any interest earned be transferred to the Grants and Donations Trust Fund. The Joint Legislative Budget Commission, Zero-Based Budgeting Subcommittee on Health and Human Services Committee staff recommends deleting this requirement from Florida Statutes.

The Auditor General's audit of DVA's Nursing Homes and Related Health Care Facilities (Report No. 01-049) found that state and federal guidelines conflict regarding the disposition of interest earned on the residents' personal moneys. The audit recommended the department seek legislative guidance in resolving this conflict.

III. Effect of Proposed Changes:

Section 1 amends s. 296.04, F.S., to redefine the duties and qualifications of the administrator of the Veterans' Domiciliary Home of Florida. The administrator is responsible for the overall operation of the home and care of the residents. This section deletes:

- a provision that calls for the administrator, serving as chief executive of the home, to have immediate custody and control of all property used in connection with the home;
- the requirement that the administrator "be a resident of the state" at the time the administrator is employed in the position; and
- the requirement that the administrator forward to FDVA all applications approved by him or her for employment with the home.

Section 2 amends s. 296.11, F.S., to delete the requirement that the domiciliary home deposit all interest earned on moneys in the Residents' Deposits Trust Fund in the Grants and Donations Trust Fund. This change is in response to findings in the Auditor General's audit of DVA's Nursing Homes and Related Health Care Facilities (Report No. 01-049).

Section 3 amends s. 296.12, F.S., to require that money deposited into the Residents' Deposits Trust Fund, and any interest accruing to the trust fund, be accounted for by the financial manager of the domiciliary home. In addition, a provision is added to clarify that resident's interest earned from those deposits may be withdrawn at the will of the resident. The provision requiring that interest on the Residents' Deposits Trust Fund deposits be deposited in the Grants and Donations Trust Fund is deleted. These changes are in response to findings in the Auditor General's audit of DVA's Nursing Homes and Related Health Care Facilities (Report No. 01-049).

Section 4 amends s. 296.32, F.S., to modify the purpose statement to recognize that Florida now has more than one veterans' nursing home.

Section 5 amends s. 296.33, F.S., to create a definition of "Home" and delete the "Veterans' Nursing Home of Florida" definition. This change recognizes that Florida now has more than one veterans' nursing home.

Section 6 amends s. 296.34, F.S., to redefine the duties of Veterans' Nursing Home administrators. The administrator is charged to be responsible for the overall operation of the home and care of the residents. The following provisions are deleted:

- the requirement that the administrator "be a resident of the state";
- the provision that calls for the administrator to have immediate custody and control of all property used in connection with the home; and
- the requirement that the administrator forward to FDVA all applications approved by him or her for employment with the home.

Section 7 amends s. 296.38, F.S., to require that all moneys deposited into the Residents' Deposits Trust Fund, and any interest accrued on the fund, be accounted for by the financial manager of the nursing home. In addition, a provision is added to clarify that resident's interest earned from those deposits may be withdrawn at the will of the resident. The provision requiring that interest on the Residents' Deposits Trust Fund deposits be deposited in the Grants and Donations Trust Fund is deleted. These changes are in response to findings in the Auditor General's audit of DVA's Nursing Homes and Related Health Care Facilities (Report No. 01-049).

Section 8 provides that the act will take effect on July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Sections 2, 3, and 7 of the bill, allow residents of Veterans' domiciliary and nursing homes to keep the interest accrued on deposits they make to the Residents' Deposits Trust Fund.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Auditor General's audit of DVA's Nursing Homes and Related Health Care Facilities (Report No. 01-049) found that state and federal guidelines conflict regarding the disposition of interest earned on the residents' personal moneys. The audit recommended the department seek legislative guidance in resolving this conflict.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
