

# 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.)

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Prepared By: Domestic Security Committee

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BILL: CS/SB 1370

SPONSOR: Domestic Security Committee and Senator Saunders

SUBJECT: Veteran's Nursing Home of Florida Act

DATE: March 15, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/2 amendments</u>
2.	<u>Pardue</u>	<u>Skelton</u>	<u>DS</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The bill would authorize the Executive Director of the Florida Department of Veterans' Affairs (FDVA) to waive the residency requirement for veterans who are otherwise eligible for admission under Florida law but are not Florida residents. Consideration for such waivers would be limited to evacuees from other states where a state of emergency had been declared by that state's governor. The bill specifies that eligible veterans who are Florida residents will receive first priority for admission.

This bill substantially amends section 296.36 of the Florida Statutes.

## II. Present Situation:

The Florida Department of Veterans' Affairs currently operates five nursing homes and one assisted living domiciliary for qualifying veterans.<sup>1</sup> These facilities provide skilled or intermediate type nursing care and related medical care for convalescents or persons who are not acutely ill and not in need of hospital care. Each nursing home can accommodate approximately 120 residents. Section 296.36, F.S., establishes eligibility criteria for admission to these nursing homes. This section provides that the person must be a veteran as defined in s. 1.01(14), F.S.,<sup>2</sup> and must:

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<sup>1</sup> State nursing homes are located in Port Charlotte, Springfield, Daytona Beach, Land-O-Lakes, and Pembroke Pines. The state domiciliary is located in Lake City.

<sup>2</sup> The term "veteran" means a person who served in the active military, naval, or air service and who was discharged or released there from under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the specified periods of wartime service.

- 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.

In addition, this section provides that admission priority will be afforded in the following order of priority to an eligible veteran who is in need of nursing home care and who: (1) has a service-connected disability as determined by the United States Department of Veterans Affairs, or was 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; and (2) has a non-service-connected disability and is unable to defray the expense of nursing home care and so states under oath before a notary public or other officer authorized to administer an oath.

During the 2005 hurricane season at least one out-of-state veteran, who was displaced by a hurricane, requested admission to a Florida veterans' nursing home, but was denied admission based on the current eligibility criteria.

### **III. Effect of Proposed Changes:**

The bill would authorize the Executive Director of the FDVA to waive the residency requirement for veterans who are otherwise eligible for admission under Florida law but are not Florida residents. Consideration for such waivers would be limited to evacuees from other states where a state of emergency had been declared by that state's governor.

The bill also stipulates that eligible veterans who are Florida residents will receive first priority for admission.

The bill provides for an effective date of July 1, 2006.

### **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:

None.

C. Government Sector Impact:

According to FDVA, this bill will have minimal fiscal impact to the department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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## **VIII. Summary of Amendments:**

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