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CS/HB 485

2023 Legislature

1
 2 An act relating to veterans' services and recognition;
 3 amending s. 20.37, F.S.; creating the Division of
 4 Long-term Care within the Department of Veterans'
 5 Affairs; amending s. 292.11, F.S.; revising
 6 qualifications for employment of county and city
 7 veteran service officers; creating part III of chapter
 8 296, F.S.; creating the "Veterans' Adult Day Health
 9 Care of Florida Act"; providing purpose and
 10 definitions; providing for appointment of an operator
 11 and specifying qualifications, duties, and
 12 responsibilities; establishing a nondiscrimination
 13 policy of the program; providing for eligibility and
 14 priority of admittance; providing for participants'
 15 contribution to support; providing for audits,
 16 inspections, and operational standards of the program;
 17 creating s. 683.1475, F.S.; designating the week of
 18 November 11 of each year as "Veterans Week";
 19 authorizing the Governor to issue an annual
 20 proclamation; providing an effective date.

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

23
 24 Section 1. Paragraph (c) is added to subsection (2) of
 25 section 20.37, Florida Statutes, to read:

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26 20.37 Department of Veterans' Affairs.—There is created a
27 Department of Veterans' Affairs.

28 (2) The following divisions, and bureaus within these
29 divisions, of the Department of Veterans' Affairs are
30 established:

31 (c) Division of Long-term Care.

32 Section 2. Subsection (1) of section 292.11, Florida
33 Statutes, is amended to read:

34 292.11 County and city veteran service officer.—

35 (1) Each board of county commissioners may employ a county
36 veteran service officer; provide office space, clerical
37 assistance, and the necessary supplies incidental to providing
38 and maintaining a county service office; and pay said expenses
39 and salaries from the moneys hereinafter provided for. The
40 governing body of any city may employ a city veteran service
41 officer; provide such office space, clerical assistance, and
42 supplies; and pay expenses and salaries. A county or city
43 veteran service officer must be a veteran as defined in s.
44 1.01(14) ~~who served as a member of the Armed Forces of the~~
45 ~~United States during a period of war, as defined in Title 38,~~
46 ~~U.S.C.; who served at least 18 months' active duty in the Armed~~
47 ~~Forces; and who was separated from such service under honorable~~
48 ~~conditions,~~ or the surviving spouse of any such veteran. ~~Any~~
49 ~~honorably discharged wartime veteran who was so discharged for~~
50 ~~service-connected or aggravated medical reasons before serving~~

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51 ~~18 months of active duty; who completed a tour of duty other~~
 52 ~~than active duty for training, regardless of the length of the~~
 53 ~~tour; or who satisfied his or her military obligation in a~~
 54 ~~manner other than active duty for training or reserve duty shall~~
 55 ~~be eligible for employment as a county or city veteran service~~
 56 ~~officer.~~ Every county or city veteran service officer, in order
 57 to be eligible for employment as a county or city veteran
 58 service officer, shall have a 2-year degree from an accredited
 59 university, college, or community college or a high school
 60 degree or equivalency diploma and 4 years of administrative
 61 experience.

62 Section 3. Part III of chapter 296, Florida Statutes,
 63 consisting of sections 296.42 through 296.49, is created to
 64 read:

65 PART III

66 VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

67 296.42 Short title.—This part may be cited as the
 68 "Veterans' Adult Day Health Care of Florida Act."

69 296.43 Purpose.—The purpose of this part is to provide for
 70 the establishment of basic standards for the operation of
 71 veterans' adult day health care programs for eligible veterans
 72 in need of such services.

73 296.44 Definitions.—As used in this part, the term:

74 (1) "Contractor" means an entity responsible for the day-
 75 to-day operations of an adult day health care facility or adult

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76 day care center as prescribed by 38 C.F.R. s. 59.160 or part III
 77 of chapter 429, respectively. The contractor may be a for-profit
 78 or nonprofit entity that operates the adult day health care
 79 facility or adult day care center under the direction of the
 80 executive director of the department.

81 (2) "Department" means the Department of Veterans'
 82 Affairs.

83 (3) "Director" means the executive director of the
 84 department.

85 (4) "Operator" means the person designated to have and has
 86 the general administrative charge of an adult day health care
 87 facility or adult day care center. The administrator of a
 88 veterans' nursing home under s. 296.34 or the administrator of
 89 the Veterans' Domiciliary Home of Florida under s. 296.04 may
 90 serve as the operator if the adult day health care facility or
 91 adult day care center is collocated at an existing veterans'
 92 nursing home or the Veterans' Domiciliary Home of Florida or is
 93 a freestanding facility.

94 (5) "Participant" means an eligible veteran recipient of
 95 basic services or of supportive and optional services provided
 96 by an adult day health care facility or adult day care center.

97 (6) "Program" means a licensed facility operated by the
 98 department under part III of chapter 429.

99 (7) "Veteran" has the same meaning as provided in s.
 100 1.01(14).

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101 296.45 Operator; qualifications, duties, and
 102 responsibilities.—

103 (1) The director shall appoint an operator who shall be
 104 responsible for the overall operation of the program and the
 105 care of the participant or designate a contractor to perform the
 106 same duties.

107 (2) The operator shall determine the eligibility of
 108 applicants for admission to the program in accordance with
 109 provisions of this part and, together with the director, shall
 110 adopt rules necessary for the proper administration of the
 111 program, including rules for the preservation of order and
 112 enforcement of discipline in the program. Rules governing the
 113 program shall conform as nearly as possible to the rules and
 114 regulations for comparable facilities of the United States
 115 Department of Veterans Affairs.

116 (3) The operator position shall be assigned to the
 117 Selected Exempt Service under part V of chapter 110 unless the
 118 operation of the program is assigned to a contractor. The
 119 director shall give veterans' preference in selecting an
 120 operator, as provided in ss. 295.07 and 295.085 if the operation
 121 of the program is not assigned to a contractor.

122 (4) Employees who fill authorized and established
 123 positions appropriated for the program shall be state employees
 124 unless the operation of the program is assigned to a contractor.
 125 The department shall classify such employees in the manner

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126 prescribed in chapter 110.

127 (5) The operator shall administer and enforce all rules of
 128 the program, including rules of discipline, and may dismiss a
 129 participant in the program for an infraction of the rules,
 130 subject to the approval of the director.

131 296.46 Nondiscrimination policy of the program.—It is the
 132 policy of the state to admit residents into the program without
 133 regard to race, age, sex, creed, religion, national origin, or
 134 any other reason that would thereby create a practice of
 135 discrimination. However, consideration of an applicant's veteran
 136 status shall not constitute discrimination.

137 296.47 Eligibility and priority of admittance.—

138 (1) To be eligible for admittance to the program, the
 139 person must be a veteran as provided in s. 1.01(14) or have
 140 eligible peacetime service as defined in s. 296.02 and must:

141 (a) Be in need of adult day health care.

142 (b) Be a resident of the state at the time of application
 143 for admission to the program.

144 (c) Not owe money to the department for services rendered
 145 during any previous stay at a department facility.

146 (d) Have applied for all financial assistance reasonably
 147 available through governmental sources.

148 (e) Have been approved as eligible for care and treatment
 149 by the United States Department of Veterans Affairs.

150 (2) The operator may waive the residency requirement for a

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151 veteran who is otherwise eligible under Florida law for
 152 admittance to a program. The waiver must be limited to a veteran
 153 who is a disaster evacuee of a state that is under a declared
 154 state of emergency.

155 (3) Admittance priority must be given to eligible veterans
 156 in the following order of priority:

157 (a) An eligible veteran who is a resident of the State of
 158 Florida.

159 (b) An eligible veteran who has a service-connected
 160 disability as determined by the United States Department of
 161 Veterans Affairs, or was discharged or released from military
 162 service for disability incurred or aggravated in the line of
 163 duty and the disability is the condition for which adult day
 164 health care is needed.

165 (c) An eligible veteran who has a non-service-connected
 166 disability and is unable to defray the expense of adult day
 167 health care and so states under oath before a notary public or
 168 other officer authorized to administer an oath.

169 296.48 Participants; contribution to support.—The operator
 170 may, if there is room, admit to participation in the program a
 171 veteran who has sufficient means for his or her own support but
 172 is otherwise eligible to become a participant in the program, on
 173 payment of the full cost of his or her support, which cost and
 174 method of collection shall be fixed from time to time by the
 175 operator.

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176 296.49 Audit; inspection; standards for the program.—The
177 program shall be open at any time to audit and inspection by the
178 Auditor General and the Office of Program Policy Analysis and
179 Government Accountability, as provided by law, the department,
180 and the United States Department of Veterans Affairs, and to any
181 other audits or inspections as required by law to maintain
182 appropriate standards in the program. The standards that the
183 department shall use to regulate the operation of the program
184 shall be those prescribed by the United States Department of
185 Veterans Affairs, provided that where the state's standards are
186 more restrictive, the standards of the state shall apply.

187 Section 4. Section 683.1475, Florida Statutes, is created
188 to read:

189 683.1475 Veterans Week.—

190 (1) The week beginning with the Sunday preceding November
191 11 of each year is designated as "Veterans Week." If November 11
192 falls on a Sunday, "Veterans Week" begins on that day.

193 (2) The Governor may annually issue a proclamation
194 designating the week of November 11 as Veterans Week and calling
195 upon public officials, schools, private organizations, and all
196 residents of the state to commemorate Veterans Week and honor
197 the men and women who answered the call during times of war and
198 peace to protect and preserve the treasured freedom of all
199 citizens of the United States.

200 Section 5. This act shall take effect July 1, 2023.