

By Senator Brown-Waite

10-325-98

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. 296.06, F.S.;
9 revising prerequisites to eligibility for
10 admission to the domiciliary home; amending s.
11 296.08, F.S.; conforming a cross-reference;
12 amending s. 296.09, F.S.; replacing the term
13 "member" with the term "resident"; revising the
14 list of information about each resident which
15 is to be kept in the general register; amending
16 ss. 296.04, 296.07, 296.10, 296.11, 296.12,
17 296.13, 296.14, 296.15, 296.16, 296.34, 296.37,
18 296.38, F.S.; replacing the term "member" with
19 the term "resident"; amending s. 296.36, F.S.;
20 amending the residency requirement for
21 admission into the Veterans' Nursing Home of
22 Florida; providing an effective date.

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24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Section 296.02, Florida Statutes, is
27 amended to read:
28 296.02 Definitions.--For the purposes of this part,
29 the term ~~except where the context clearly indicates otherwise:~~
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1 (1) "Applicant" means a veteran with wartime service
2 or peacetime service as defined in this section who is not in
3 need of hospitalization or nursing home care.

4 (2) "Department" means the Department of Veterans'
5 Affairs.

6 (3)~~(1)~~ "Director" means the executive director of the
7 Department of Veterans' Affairs.

8 (4)~~(2)~~ "Domiciliary care" means shelter, sustenance,
9 and incidental medical care provided on an ambulatory
10 self-care basis to assist eligible veterans who are disabled
11 by age or disease, but who are not in need of hospitalization
12 or nursing home care services.

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

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

22 ~~(3) "Department" means the Department of Veterans'~~
23 ~~Affairs.~~

24 ~~(4) "Wartime service" means service as defined in s.~~
25 ~~1.01(14).~~

26 (7)~~(5)~~ "Peacetime service" means active military,
27 naval, or air service that is not during a wartime era as
28 defined in s. 1.01(14) subsection (4).

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

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

3 (10)(6) "Veterans' Domiciliary Home of Florida,"
4 hereinafter referred to as the "home," means a home
5 established by the state for veterans who served in wartime
6 service or in peacetime service, as defined in this section
7 subsections (4) and (5).

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

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

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

15 Section 2. Section 296.03, Florida Statutes, is
16 amended to read:

17 296.03 Veterans' Domiciliary Home of Florida.--The
18 Veterans' Domiciliary Home of Florida is ~~shall be~~ for veterans
19 who served in wartime service or peacetime service, as defined
20 in s. 296.02~~(4) and (5)~~, and is maintained for the use of
21 those veterans who are not in need of hospitalization or
22 nursing home care and who can attend to their personal needs,
23 dress themselves, and attend a general dining facility, or who
24 are in need of extended congregate care.

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

27 296.04 Administrator; duties and qualifications;
28 responsibilities.--

29 (5)(a) The administrator shall administer and enforce
30 all rules of the home, including rules of discipline, and may
31 ~~shall have the power to dismiss any resident member~~ of the

1 home for any infraction of the ~~such~~ rules, subject to the
2 approval of the director.

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

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

17 Section 4. Section 296.06, Florida Statutes, is
18 amended to read:

19 296.06 State policy; eligibility requirements.--

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

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

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

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

4 (c) Not be mentally ill, habitually inebriated, or
5 addicted to drugs.

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

8 Section 5. Section 296.07, Florida Statutes, is
9 amended to read:

10 296.07 Certain persons ineligible.--~~A No person shall~~
11 ~~be received or retained in the home~~ who is mentally ill,
12 habitually inebriated, or addicted to the use of drugs may not
13 be received or retained in the home. It is the legislative
14 intent that a resident member of the home who is discharged
15 therefrom, or voluntarily leaves the home, because he or she
16 ~~such member~~ exhibits mental illness, inebriation, or drug
17 addiction shall be referred to appropriate federal, state, or
18 county agencies by the home for treatment.

19 Section 6. Section 296.08, Florida Statutes, is
20 amended to read:

21 296.08 Priority of admittance.--

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

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

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

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

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

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

13 Section 7. Section 296.09, Florida Statutes, is
14 amended to read:

15 296.09 Health record and general register to be
16 maintained.--

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

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

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

1 (b) Date of admission.

2 (c) Residence at time of admission and, length of
3 residence in this state immediately prior to admission, ~~and~~
4 ~~residence at time of entering the service.~~

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

6 (e) Married or single.

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

9 ~~(g) All fraternal societies to which the member~~
10 ~~belongs.~~

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

13 Section 8. Section 296.10, Florida Statutes, is
14 amended to read:

15 296.10 Residents ~~Members~~; contribution to support.--

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

26 (2) Notwithstanding ~~The provisions of~~ subsection (1)
27 ~~notwithstanding~~, each resident member who participates in a
28 vocational rehabilitation or work incentive program shall
29 contribute to his or her support in an amount that is
30 determined by the administrator and approved by the director,
31 is to be computed at 50 percent of the resident's ~~member's~~ net

1 earnings after taxes and after the setoff of the first \$100
2 per month, and does not to exceed the cost of care. The
3 resident member is required to authorize the administrator of
4 the home to secure from the employer sufficient information to
5 verify the resident's ~~member's~~ earnings under the program.

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

12 Section 9. Section 296.11, Florida Statutes, is
13 amended to read:

14 296.11 Funds of home and disposition of moneys.--

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

21 (2) The home shall deposit all moneys received
22 pursuant to s. 296.15 and all interest earned on moneys in the
23 Residents' ~~Members'~~ Deposits Trust Fund pursuant to s. 296.12
24 into the Grants and Donations Trust Fund. Moneys in the
25 Grants and Donations Trust Fund must ~~shall~~ be expended for the
26 common benefit of the residents ~~members~~ of the home such as
27 improved facilities, recreational equipment, and recreational
28 supplies subject to the requirements of chapter 216.

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

3 Section 10. Section 296.12, Florida Statutes, is
4 amended to read:

5 296.12 Residents'~~Members'~~Deposits Trust Fund.--

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

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

23 (3) Upon a resident's ~~member's~~ discharge or voluntary
24 departure from the home, if such moneys are not ~~so~~ demanded at
25 the time of discharge or departure, or within a period of 3
26 years thereafter, or demanded by the heirs, devisees, or
27 legatees in case of the resident's ~~member's~~ decease after his
28 or her discharge or voluntary departure, the moneys must ~~same~~
29 ~~shall~~ be paid to the state as provided in chapter 717.

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

4 Section 11. Section 296.13, Florida Statutes, is
5 amended to read:

6 296.13 Death of resident member; disposition of moneys
7 held.--

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

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

25 Section 12. Section 296.14, Florida Statutes, is
26 amended to read:

27 296.14 Personal property; deceased residents members;
28 residents members leaving.--

29 (1) Any resident member of the home may deposit
30 personal property other than money with the administrator for
31 safekeeping. The Such property must ~~shall~~ be returned to the

1 depositor upon demand, and a written statement of acceptance
2 must ~~shall~~ be executed by the depositor under oath.

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

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

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

23 (5) The administrator shall ~~will~~ cause a public sale
24 to be held when in the judgment of the administrator the
25 probable value of the property exceeds the probable cost of
26 the sale. All cost incurred in the sale of the unclaimed
27 personal property must ~~shall~~ be reimbursed to the home along
28 with any lien on the property. All unclaimed funds must ~~shall~~
29 be disposed of in accordance with ~~the provisions of~~ chapter
30 717.

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1 Section 13. Section 296.15, Florida Statutes, is
2 amended to read:

3 296.15 Gifts, grants, and endowments to the home.--The
4 home may ~~shall be empowered to~~ receive and accept gifts,
5 grants, and endowments in the name of the home. All such
6 gifts, grants, and endowments are to be used for the benefit
7 of the home and its residents ~~members~~. The administrator,
8 together with the director, shall ~~have the authority to~~
9 determine how these gifts, grants, and endowments could best
10 benefit the home and its residents ~~members~~ unless the
11 benefactor requests or instructs that the gift, grant, or
12 endowment be used for a specific purpose.

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

15 296.16 Reports to the Governor, Cabinet, and
16 Legislature.--The director shall report to the Governor, the
17 Cabinet, and the Legislature by December 31 of each year,
18 stating all receipts and expenditures, the condition of the
19 home, the number of residents ~~members~~ received and discharged
20 during the preceding year, and such other matters relating to
21 the management, conduct, and interest of the home as the
22 director considers ~~deems~~ proper, or as required by the
23 Governor, the Cabinet, or the Legislature. The director shall
24 also make any other reports that ~~which~~ the Governor, the
25 Cabinet, or the Legislature requires.

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

28 296.34 Administrator; qualifications, duties, and
29 responsibilities.--

30 (5) The administrator shall administer and enforce all
31 rules of the home, including rules of discipline, and shall

1 have the power to dismiss any resident ~~member~~ of the home for
2 any infraction of rules, subject to the approval of the
3 director.

4 Section 16. Section 296.36, Florida Statutes, is
5 amended to read:

6 296.36 Eligibility and priority of admittance.--

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

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

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

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

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

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

27 Section 17. Section 296.37, Florida Statutes, is
28 amended to read:

29 296.37 Residents ~~Members~~; contribution to support.--

30 (1) Every resident of the home who receives a pension,
31 compensation, or gratuity from the United States Government,

1 or income from any other source of more than \$35 per month,
2 shall contribute to his or her maintenance and support while a
3 resident of the home in accordance with a schedule of payment
4 determined by the administrator and approved by the director.
5 The total amount of such contributions must ~~shall~~ be to the
6 fullest extent possible, but may not, ~~in no case, shall~~ exceed
7 the actual cost of operating and maintaining the home.

8 (2) The administrator may, if there is room, admit to
9 residency in the home a veteran who has sufficient means for
10 his or her own support, but is otherwise eligible to become a
11 resident of the home, on payment of the full cost of his or
12 her support, which cost and method of collection shall be
13 fixed from time to time by the administrator.

14 Section 18. Subsection (3) of section 296.38, Florida
15 Statutes, is amended to read:

16 296.38 Funds of home and disposition of moneys.--

17 (3)(a) There is ~~hereby~~ created a Residents' ~~Members'~~
18 Deposits Trust Fund. All moneys received by the home pursuant
19 to this subsection shall be deposited into the Residents'
20 ~~Members'~~ Deposits Trust Fund, a local fund that is
21 administered by the home and ~~which~~ is not a part of the State
22 Treasury.

23 (b) The residents ~~members~~ of the home may voluntarily
24 deposit moneys with the home, which the home shall receive and
25 keep without charge in the Residents' ~~Members'~~ Deposits Trust
26 Fund. Such moneys voluntarily deposited with the home by a
27 resident member may be withdrawn, in whole or in part, at the
28 will of the resident member. Any balance remaining upon the
29 resident's ~~member's~~ death, undisposed of by will and not paid
30 to his or her heirs at law, shall be paid to the state in
31 accordance with ~~the provisions of~~ chapter 717.

