

By Senator Sanderson

31-640-01

1 A bill to be entitled
 2 An act relating to state veterans' homes;
 3 amending ss. 296.04, 296.34, F.S.; revising
 4 provisions relating to the appointment and
 5 duties of the veterans' homes' administrators;
 6 defining the duties of the administrators;
 7 deleting a residency requirement; revising the
 8 employment status of employees; amending s.
 9 296.11, F.S.; deleting a requirement that
 10 certain interest be deposited into the Grants
 11 and Donations Trust Fund; amending s. 296.12,
 12 F.S.; requiring an accounting of certain funds
 13 in the Residents' Deposits Trust Fund and
 14 deleting a requirement that interest accrued in
 15 the fund be deposited into the Grants and
 16 Donations Trust Fund; amending s. 296.38, F.S.;
 17 requiring the accounting of certain funds;
 18 deleting a requirement that interest accrued be
 19 deposited into the Grants and Donations Trust
 20 Fund; providing an effective date.

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

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 24 Section 1. Section 296.04, Florida Statutes, is
 25 amended to read:

26 296.04 Administrator; duties and qualifications;
 27 responsibilities.--

28 (1) The director shall appoint an administrator who
 29 shall be responsible for the overall operation of the home and
 30 care of the residents ~~serve as the chief executive of the home~~
 31 ~~and shall have the immediate custody and control of all~~

1 ~~property used in connection with the home in accordance with~~
2 ~~chapter 273.~~

3 (2) The administrator shall have the power to
4 determine the eligibility and admission of applicants to the
5 home in accordance with the provisions of this chapter and,
6 together with the director, shall adopt all rules necessary
7 for the preservation of order and enforcement of discipline in
8 the home. All rules governing the home shall conform as nearly
9 as possible to the rules and regulations for comparable
10 facilities of the United States Department of Veterans
11 Affairs.

12 (3) The administrator ~~shall be a resident of the state~~
13 ~~at the time of entering into employment in the position. The~~
14 position shall be assigned to the Selected Exempt Service
15 under part V of chapter 110. The director shall give afford
16 applicants veterans' preference in appointing an
17 administrator, as provided in ~~appointment in accordance with~~
18 ss. 295.07 and 295.085. In addition, the administrator must
19 have at least a 4-year degree from an accredited university or
20 college and 3 years of administrative experience in a health
21 care facility, or any equivalent combination of experience,
22 training, and education totaling 7 years in work relating to
23 administration of a health care facility.

24 ~~(4)(a) The administrator shall forward to the~~
25 ~~department all applications approved by him or her for~~
26 ~~employment with the home.~~

27 ~~(b) All employees who fill authorized and established~~
28 ~~positions appropriated for the home shall be state employees.~~
29 ~~The department shall classify such employees in the manner~~
30 ~~prescribed in chapter 110.~~

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

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

14 (5)~~(6)~~ The administrator may require residents of the
15 home to render such assistance in the care of the home and
16 grounds as their physical condition will permit and may
17 compensate a resident for such assistance.

18 Section 2. Section 296.11, Florida Statutes, is
19 amended to read:

20 296.11 Funds of home and disposition of moneys.--

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

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

1 of the residents of the home such as improved facilities,
2 recreational equipment, and recreational supplies subject to
3 the requirements of chapter 216.

4 (3) This section does not prohibit the use of
5 revolving funds or clearing accounts if they are established
6 in the manner prescribed by law.

7 Section 3. Section 296.12, Florida Statutes, is
8 amended to read:

9 296.12 Residents' Deposits Trust Fund.--

10 (1) There is created a Residents' Deposits Trust Fund.
11 All moneys received by the home under this section must be
12 deposited into the Residents' Deposits Trust Fund, a local
13 fund that is administered by the home and is not a part of the
14 State Treasury. All moneys deposited and any interest accruing
15 to the trust fund must be accounted for by the financial
16 manager of the home.

17 (2) The residents of the home may voluntarily deposit
18 with the home moneys that the home must receive and keep
19 without charge in the Residents' Deposits Trust Fund. Moneys
20 deposited and interest earned ~~Such moneys voluntarily~~
21 ~~deposited with the home by a resident~~ may be withdrawn, in
22 whole or in part, at the will of the resident. Upon the
23 resident's death, any balance that remains and is neither
24 disposed of by will nor paid to his or her heirs at law must
25 be paid to the state in accordance with the provisions of
26 chapter 717.

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

1 voluntary departure, the moneys must be paid to the state as
2 provided in chapter 717.

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

6 Section 4. Section 296.34, Florida Statutes, is
7 amended to read:

8 296.34 Administrator; qualifications, duties, and
9 responsibilities.--

10 (1) The director shall appoint an administrator of the
11 home who shall be responsible for the overall operation of the
12 home and care of the residents ~~the chief executive of the~~
13 ~~home~~. The administrator position shall be assigned to the
14 Selected Exempt Service under part V of chapter 110. The
15 director shall give veterans preference in appointing an
16 administrator ~~appointment~~ as provided in ss. 295.07 and
17 295.085 ~~to applicants for the position of administrator.~~

18 (2) The administrator, at the time of entering
19 employment and at all times while employed as the
20 administrator, must ~~shall~~:

21 ~~(a) Be a resident of the state.~~

22 ~~(b) hold a current valid license as a nursing home~~
23 ~~administrator pursuant to in accordance with the provisions of~~
24 ~~part II of chapter 468 and the rules promulgated by the Board~~
25 ~~of Nursing Home Administrators.~~

26 (3) ~~The administrator shall have the immediate custody~~
27 ~~and control of all property used in connection with the home~~
28 ~~in accordance with chapter 273.~~ The administrator shall
29 determine the eligibility of applicants for admission to the
30 home in accordance with provisions of this part and, together
31 with the director, shall adopt all rules necessary for the

1 proper administration of the home, including rules for the
2 preservation of order and enforcement of discipline in the
3 home. All rules governing the home shall conform as nearly as
4 possible to the rules and regulations for comparable
5 facilities of the United States Department of Veterans
6 Affairs.

7 ~~(4)(a) The administrator shall forward to the~~
8 ~~department all applications approved by him or her for~~
9 ~~employment with the home.~~

10 ~~(b) All employees who fill authorized and established~~
11 ~~positions appropriated for the home shall be state employees.~~
12 ~~The department shall classify such employees in the manner~~
13 ~~prescribed in chapter 110.~~

14 (4)(5) The administrator shall administer and enforce
15 all rules of the home, including rules of discipline, and
16 shall have the power to dismiss any resident of the home for
17 any infraction of rules, subject to the approval of the
18 director.

19 Section 5. Subsection (3) of section 296.38, Florida
20 Statutes, is amended to read:

21 296.38 Funds of home and disposition of moneys.--

22 (3)(a) There is ~~hereby~~ created a Residents' Deposits
23 Trust Fund. All moneys received by the home pursuant to this
24 subsection shall be deposited into the Residents' Deposits
25 Trust Fund, a local fund administered by the home and which is
26 not a part of the State Treasury. Moneys deposited into the
27 trust fund and interest accrued must be accounted for by the
28 home's financial manager.

29 (b) The residents of the home may voluntarily deposit
30 moneys with the home, which the home shall receive and keep
31 without charge in the Residents' Deposits Trust Fund. ~~Such~~

1 Moneys ~~voluntarily~~ deposited and interest earned ~~with the home~~
2 ~~by a resident~~ may be withdrawn, in whole or in part, at the
3 will of the resident. Any balance remaining upon the
4 resident's death, undisposed of by will and not paid to his or
5 her heirs at law, shall be paid to the state in accordance
6 with the provisions of chapter 717.

7 (c) Upon a resident's discharge or voluntary departure
8 from the home, if such moneys are not so demanded at the time
9 of discharge or departure, or within a period of 3 years
10 thereafter, or demanded by the heirs, devisees, or legatees in
11 case of the resident's decease after his or her discharge or
12 voluntary departure, the same shall be paid to the state as
13 provided in chapter 717.

14 ~~(d) All accrued interest on this trust fund shall be~~
15 ~~accounted for by the financial manager and deposited to the~~
16 ~~Grants and Donations Trust Fund.~~

17 Section 6. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Revises provisions relating to the administration of the state veterans' homes. Revises the duties and procedures for the appointment of the homes' administrators. Deletes a residency requirement for such administrators. Provides for the accounting of certain funds and deletes requirements for the deposit of certain interest into the Grants and Donations Trust Fund. Requires an accounting.