

By Senator Sanderson

31-346-02

1 A bill to be entitled
2 An act relating to veterans; amending ss.
3 296.04, 296.34, F.S.; revising provisions
4 relating to the state appointment and duties of
5 the veterans' homes' administrators; defining
6 duties of the administrators; eliminating a
7 residency requirement; amending s. 296.11,
8 F.S.; eliminating a requirement that certain
9 interest be deposited into the Grants and
10 Donations Trust Fund; amending s. 296.12, F.S.;
11 requiring an accounting of certain funds in the
12 Residents' Deposits Trust Fund and eliminating
13 a requirement that interest accrued in the fund
14 be deposited into the Grants and Donations
15 Trust Fund; amending s. 296.32, F.S.;
16 authorizing more than one veterans' nursing
17 home; amending s. 296.33, F.S.; revising
18 definitions; amending s. 296.38, F.S.;
19 requiring the accounting of certain funds;
20 eliminating a requirement that interest accrued
21 be deposited in the Grants and Donations Trust
22 Fund; providing an effective date.

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

26 Section 1. Subsections (1), (3), and (4) of section
27 296.04, Florida Statutes, are amended to read:

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

30 (1) The director shall appoint an administrator who
31 shall be responsible for the overall operation ~~serve as the~~

1 ~~chief executive~~ of the home and the care of the residents
2 ~~shall have the immediate custody and control of all property~~
3 ~~used in connection with the home in accordance with chapter~~
4 ~~273.~~

5 (3) The administrator ~~shall be a resident of the state~~
6 ~~at the time of entering into employment in the position. The~~
7 position shall be assigned to the Selected Exempt Service
8 under part V of chapter 110. The director shall give veterans
9 ~~afford applicants veterans~~ preference in selecting an
10 administrator, as provided ~~appointment in accordance with ss.~~
11 295.07 and 295.085. In addition, the administrator must have
12 at least a 4-year degree from an accredited university or
13 college and 3 years of administrative experience in a health
14 care facility, or any equivalent combination of experience,
15 training, and education totaling 7 years in work relating to
16 administration of a health care facility.

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

20 (b) All employees who fill authorized and established
21 positions appropriated for the home shall be state employees.
22 The department shall classify such employees in the manner
23 prescribed in chapter 110.

24 Section 2. Subsection (2) of section 296.11, Florida
25 Statutes, is amended to read:

26 296.11 Funds of home and disposition of moneys.--

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

6 296.12 Residents' Deposits Trust Fund.--

7 (1) There is created a Residents' Deposits Trust Fund.
8 All moneys received by the home under this section must be
9 deposited into the Residents' Deposits Trust Fund, a local
10 fund that is administered by the home and is not a part of the
11 State Treasury. The home's financial manager shall account for
12 all moneys deposited and any interest accruing on the trust
13 fund.

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

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

30
31

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

4 Section 4. Section 296.32, Florida Statutes, is
5 amended to read:

6 296.32 Purpose.--The purpose of this part is to
7 provide for the establishment of basic standards for the
8 operation of veterans' nursing homes ~~the Veterans' Nursing~~
9 ~~Home of Florida~~ for eligible veterans in need of such
10 services.

11 Section 5. Section 296.33, Florida Statutes, is
12 amended to read:

13 296.33 Definitions.--As ~~When~~ used in this part, ~~unless~~
14 ~~the context clearly indicates otherwise,~~ the term:

15 (1) "Administrator" means the licensed person who has
16 been appointed to serve as the chief executive of the home and
17 has the general administrative charge of the facility.

18 (2) "Department" means the Florida Department of
19 Veterans' Affairs.

20 (3) "Director" means the executive director of the
21 Florida Department of Veterans' Affairs.

22 (4) "Home" means a licensed health care facility
23 operated by the department pursuant to part II of chapter 400.

24 (5)~~(4)~~ "Resident" means any eligible veteran admitted
25 to the home.

26 (6)~~(5)~~ "Veteran" means a person as defined in s.
27 1.01(14).

28 ~~(6) "Veterans' Nursing Home of Florida," hereinafter~~
29 ~~referred to as the "home," means a licensed health care~~
30 ~~facility operated by the department pursuant to the provisions~~
31 ~~of part II of chapter 400.~~

1 Section 6. Section 296.34, Florida Statutes, is
2 amended to read:

3 296.34 Administrator; qualifications, duties, and
4 responsibilities.--

5 (1) The director shall appoint an administrator of
6 each ~~the~~ home who shall be responsible for the overall
7 operation ~~the chief executive~~ of the home and the care of the
8 residents.

9 (2) The position shall be assigned to the Selected
10 Exempt Service under part V of chapter 110. The director
11 shall give veterans preference in selecting an administrator,
12 ~~appointment~~ as provided in ss. 295.07 and 295.085 ~~to~~
13 ~~applicants for the position of administrator.~~

14 ~~(2)~~ The administrator, at the time of entering
15 employment and at all times while employed as the
16 administrator must, ~~shall:~~

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

18 ~~(b)~~ hold a current valid license as a nursing home
19 administrator under ~~in accordance with the provisions of part~~
20 ~~II of chapter 468 and the rules promulgated by the Board of~~
21 ~~Nursing Home Administrators.~~

22 ~~(3)~~ ~~The administrator shall have the immediate custody~~
23 ~~and control of all property used in connection with the home~~
24 ~~in accordance with chapter 273.~~ The administrator shall
25 determine the eligibility of applicants for admission to the
26 home in accordance with provisions of this part and, together
27 with the director, shall adopt all rules necessary for the
28 proper administration of the home, including rules for the
29 preservation of order and enforcement of discipline in the
30 home. All rules governing the home shall conform as nearly as
31 possible to the rules and regulations for comparable

1 facilities of the United States Department of Veterans
2 Affairs.

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

6 (4)(b) All employees who fill authorized and
7 established positions appropriated for the home shall be state
8 employees. The department shall classify such employees in
9 the manner prescribed in chapter 110.

10 (5) The administrator shall administer and enforce all
11 rules of the home, including rules of discipline, and shall
12 have the power to dismiss any resident of the home for any
13 infraction of rules, subject to the approval of the director.

14 Section 7. 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' Deposits
18 Trust Fund. All moneys received by the home pursuant to this
19 subsection shall be deposited into the Residents' Deposits
20 Trust Fund, a local fund administered by the home and which is
21 not a part of the State Treasury. The home's financial manager
22 shall account for all moneys deposited and any interest
23 accruing on the trust fund.

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

1 her heirs at law, shall be paid to the state in accordance
2 with the provisions of chapter 717.

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

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

13 Section 8. This act shall take effect July 1, 2002.

14 *****

15 SENATE SUMMARY

16 Revises provisions relating to state veterans' nursing
17 homes. Eliminates a residency requirement for
18 administrators and revises the duties of the
19 administrator. Eliminates requirements relating to the
20 deposit of interest into the Grants and Donations Trust
21 Fund and requires an accounting of the Residents'
22 Deposits Trust Fund. Authorizes additional nursing homes.
23 (See bill for details.)
24
25
26
27
28
29
30
31