



705128

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 35 - 188

and insert:

(1) Each board of county commissioners or the governing body of any city may employ a ~~county~~ veteran service officer; provide office space, clerical assistance, and the necessary supplies incidental to providing and maintaining a ~~county~~ service office; and pay related ~~said~~ expenses and salaries from the moneys hereinafter provided for. ~~The governing body of any~~



705128

11 ~~city may employ a city veteran service officer; provide such~~  
12 ~~office space, clerical assistance, and supplies; and pay~~  
13 ~~expenses and salaries. A county or city veteran service officer~~  
14 ~~must be a veteran as defined in s. 1.01(14) who served as a~~  
15 ~~member of the Armed Forces of the United States during a period~~  
16 ~~of war, as defined in Title 38, U.S.C.; who served at least 18~~  
17 ~~months' active duty in the Armed Forces; and who was separated~~  
18 ~~from such service under honorable conditions, or the surviving~~  
19 ~~spouse of any such a veteran and must. Any honorably discharged~~  
20 ~~wartime veteran who was so discharged for service connected or~~  
21 ~~aggravated medical reasons before serving 18 months of active~~  
22 ~~duty; who completed a tour of duty other than active duty for~~  
23 ~~training, regardless of the length of the tour; or who satisfied~~  
24 ~~his or her military obligation in a manner other than active~~  
25 ~~duty for training or reserve duty shall be eligible for~~  
26 ~~employment as a county or city veteran service officer. Every~~  
27 ~~county or city veteran service officer, in order to be eligible~~  
28 ~~for employment as a county or city veteran service officer,~~  
29 ~~shall~~ have a 2-year degree from an accredited university,  
30 college, or community college or a high school degree or  
31 equivalency diploma and 4 years of administrative experience.

32 Section 3. Part III of chapter 296, Florida Statutes,  
33 consisting of sections 296.42 through 296.49, Florida Statutes,  
34 is created to read:

35 PART III

36 VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

37 296.42 Short title.—This part may be cited as the  
38 "Veterans' Adult Day Health Care of Florida Act."

39 296.43 Purpose.—The purpose of this part is to provide for



705128

40 the establishment of basic standards for the operation of  
41 veterans' adult day health care programs for eligible veterans  
42 in need of such services.

43 296.44 Definitions.—As used in this part, the term:

44 (1) "Contractor" means an entity responsible for the day-  
45 to-day operations of an adult day health care facility or adult  
46 day care center as prescribed by 38 C.F.R. s. 59.160 or part III  
47 of chapter 429, respectively. The contractor may be a for-profit  
48 or nonprofit entity that operates the adult day health care  
49 facility or adult day care center under the direction of the  
50 executive director of the department.

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

52 (3) "Director" means the executive director of the  
53 department.

54 (4) "Operator" means the person designated to have and who  
55 has the general administrative charge of an adult day health  
56 care facility or adult day care center. The administrator of a  
57 veterans' nursing home under s. 296.34 or the administrator of  
58 the Veterans' Domiciliary Home of Florida under s. 296.04 may  
59 serve as the operator if the adult day health care facility or  
60 adult day care center is colocated at an existing veterans'  
61 nursing home or the Veterans' Domiciliary Home of Florida or is  
62 a freestanding facility.

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

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

68 (7) "Veteran" has the same meaning as in s. 1.01(14).



705128

69           296.45 Operator; qualifications, duties, and  
70 responsibilities.—

71           (1) The director shall appoint an operator who is  
72 responsible for the overall operation of the program and for the  
73 care of the participant or shall designate a contractor to  
74 perform the same duties.

75           (2) The department shall determine the eligibility of  
76 applicants for admission to the program in accordance with  
77 provisions of this part and shall adopt rules necessary for the  
78 proper administration of the program, including rules for the  
79 preservation of order and enforcement of discipline in the  
80 program. Rules governing the program must conform as nearly as  
81 possible to the rules and regulations for comparable facilities  
82 of the United States Department of Veterans Affairs.

83           (3) The operator position is assigned to the Selected  
84 Exempt Service under part V of chapter 110 unless the operation  
85 of the program is assigned to a contractor. The director must  
86 give veterans preference in selecting an operator as provided in  
87 ss. 295.07 and 295.085 if the operation of the program is not  
88 assigned to a contractor.

89           (4) Employees who fill authorized and established positions  
90 appropriated for the program must be state employees unless the  
91 operation of the program is assigned to a contractor. The  
92 department shall classify such employees in the manner  
93 prescribed in chapter 110.

94           (5) The operator shall administer and enforce all rules of  
95 the program, including rules of discipline, and may dismiss a  
96 participant in the program for an infraction of the rules,  
97 subject to the approval of the director.



705128

98           296.46 Nondiscrimination policy of the program.—It is the  
99 policy of the state to admit residents into the program without  
100 regard to race, age, sex, creed, religion, national origin, or  
101 any other reason that would thereby create a practice of  
102 discrimination. However, consideration of an applicant's veteran  
103 status does not constitute discrimination.

104           296.47 Eligibility and priority of admittance.—

105           (1) To be eligible for admittance to the program, the  
106 person must be a veteran or have eligible peacetime service as  
107 defined in s. 296.02 and must:

108           (a) Be in need of adult day health care;

109           (b) Be a resident of this state at the time of application  
110 for admission to the program;

111           (c) Not owe money to the department for services rendered  
112 during any previous stay at a department facility;

113           (d) Have applied for all financial assistance reasonably  
114 available through governmental sources; and

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

117           (2) The operator may waive the residency requirement for a  
118 veteran who is otherwise eligible under Florida law for  
119 admittance to a program. The waiver must be limited to a veteran  
120 who is a disaster evacuee of a state that is under a declared  
121 state of emergency.

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

124           (a) An eligible veteran who is a resident of this state.

125           (b) An eligible veteran who has a service-connected  
126 disability as determined by the United States Department of



705128

127 Veterans Affairs, or was discharged or released from military  
128 service for a disability incurred or aggravated in the line of  
129 duty, and the disability is the condition for which adult day  
130 health care is needed.

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

135 296.48 Participants; contribution to support.—The operator  
136 may, if there is room, admit to participation in the program a  
137 veteran who has sufficient means for his or her own support but  
138 is otherwise eligible to become a participant in the program,  
139 upon payment of the full cost of his or her support, which cost  
140 and method of collection must be fixed from time to time by the  
141 operator.

142 296.49 Audit; inspection; standards for the program.—The  
143 program must be open at any time to audit and inspection by the  
144 Auditor General and the Office of Program Policy Analysis and  
145 Government Accountability, as provided by law, the department,  
146 and the United States Department of Veterans Affairs, and to any  
147 other audits or inspections as required by law to maintain  
148 appropriate standards in the program. The standards that the  
149 department must use to regulate the operation of the program are  
150 those prescribed by the United States Department of Veterans  
151 Affairs, provided that when the state's standards are more  
152 restrictive, the standards of the state must apply.

153 Section 4. Section 683.1475, Florida Statutes, is created  
154 to read:

155 683.1475 Veterans Week.—



705128

156           (1) The week of November 11 of each year is designated as  
157 "Veterans Week," with the week starting with the Sunday  
158 preceding November 11. If November 11 falls on a Sunday,  
159 "Veterans Week" begins on that day.

160  
161 ===== T I T L E   A M E N D M E N T =====

162 And the title is amended as follows:

163           Delete line 11

164 and insert:

165           operator; requiring the department to determine  
166           applicant eligibility; requiring the department to  
167           adopt specified rules; specifying the qualifications,  
168           duties, and