

By Senator Collins

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1 A bill to be entitled
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 ch.
8 296, F.S.; creating the "Veterans' Adult Day Health
9 Care of Florida Act"; providing a purpose and
10 definitions; providing for the appointment of an
11 operator; specifying the qualifications, duties, and
12 responsibilities of the operator; establishing a
13 nondiscrimination policy for the program; providing
14 for eligibility and priority of admittance; providing
15 for participants' contribution to support; providing
16 for program audits, inspections, and operational
17 standards; creating s. 683.1475, F.S.; designating the
18 week of November 11 of each year as "Veterans Week" in
19 Florida; 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:

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

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

14-01079-23

2023824__

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 and the governing
36 body of any city may employ a county veteran service officer;
37 provide office space, clerical assistance, and the necessary
38 supplies incidental to providing and maintaining a county
39 service office; and pay related ~~said~~ expenses and salaries from
40 the moneys hereinafter provided for. ~~The governing body of any~~
41 ~~city may employ a city veteran service officer; provide such~~
42 ~~office space, clerical assistance, and supplies; and pay~~
43 ~~expenses and salaries.~~ A county or city veteran service officer
44 must be a veteran as defined in s. 1.01(14) ~~who served as a~~
45 ~~member of the Armed Forces of the United States during a period~~
46 ~~of war, as defined in Title 38, U.S.C.; who served at least 18~~
47 ~~months' active duty in the Armed Forces; and who was separated~~
48 ~~from such service under honorable conditions, or the surviving~~
49 ~~spouse of any such a veteran and must.~~ Any honorably discharged
50 wartime veteran who was so discharged for service connected or
51 aggravated medical reasons before serving 18 months of active
52 duty; who completed a tour of duty other than active duty for
53 training, regardless of the length of the tour; or who satisfied
54 his or her military obligation in a manner other than active
55 duty for training or reserve duty shall be eligible for
56 employment as a county or city veteran service officer. Every
57 county or city veteran service officer, in order to be eligible
58 for employment as a county or city veteran service officer,

14-01079-23

2023824__

59 ~~shall~~ have a 2-year degree from an accredited university,
60 college, or community college or a high school degree or
61 equivalency diploma and 4 years of administrative 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
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' Affairs.

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

84 (4) "Operator" means the person designated to have and who
85 has the general administrative charge of an adult day health
86 care facility or adult day care center. The administrator of a
87 veterans' nursing home under s. 296.34 or the administrator of

14-01079-23

2023824__

88 the Veterans' Domiciliary Home of Florida under s. 296.04 may
89 serve as the operator if the adult day health care facility or
90 adult day care center is collocated at an existing veterans'
91 nursing home or the Veterans' Domiciliary Home of Florida or is
92 a freestanding facility.

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

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

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

99 296.45 Operator; qualifications, duties, and
100 responsibilities.-

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

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

114 (3) The operator position is assigned to the Selected
115 Exempt Service under part V of chapter 110 unless the operation
116 of the program is assigned to a contractor. The director shall

14-01079-23

2023824__

117 give veterans preference in selecting an operator as provided in
118 ss. 295.07 and 295.085 if the operation of the program is not
119 assigned to a contractor.

120 (4) Employees who fill authorized and established positions
121 appropriated for the program must be state employees unless the
122 operation of the program is assigned to a contractor. The
123 department shall classify such employees in the manner
124 prescribed in chapter 110.

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

129 296.46 Nondiscrimination policy of the program.—It is the
130 policy of the state to admit residents into the program without
131 regard to race, age, sex, creed, religion, national origin, or
132 any other reason that would thereby create a practice of
133 discrimination. However, consideration of an applicant's veteran
134 status does not constitute discrimination.

135 296.47 Eligibility and priority of admittance.—

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

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

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

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

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

14-01079-23

2023824__

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

148 (2) The operator may waive the residency requirement for a
149 veteran who is otherwise eligible under Florida law for
150 admittance to a program. The waiver must be limited to a veteran
151 who is a disaster evacuee of a state that is under a declared
152 state of emergency.

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

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

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

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

166 296.48 Participants; contribution to support.—The operator
167 may, if there is room, admit to participation in the program a
168 veteran who has sufficient means for his or her own support but
169 is otherwise eligible to become a participant in the program,
170 upon payment of the full cost of his or her support, which cost
171 and method of collection must be fixed from time to time by the
172 operator.

173 296.49 Audit; inspection; standards for the program.—The
174 program must be open at any time to audit and inspection by the

14-01079-23

2023824__

175 Auditor General and the Office of Program Policy Analysis and
176 Government Accountability, as provided by law, the department,
177 and the United States Department of Veterans Affairs, and to any
178 other audits or inspections as required by law to maintain
179 appropriate standards in the program. The standards that the
180 department must use to regulate the operation of the program are
181 those prescribed by the United States Department of Veterans
182 Affairs, provided that when the state's standards are more
183 restrictive, the standards of the state must apply.

184 Section 4. Section 683.1475, Florida Statutes, is created
185 to read:

186 683.1475 Veterans Week.—

187 (1) The week of November 11 of each year is designated as
188 "Veterans Week."

189 (2) The Governor may annually issue a proclamation
190 designating the week of November 11 as "Veterans Week." Public
191 officials, schools, private organizations, and all residents of
192 this state are encouraged to commemorate Veterans Week and honor
193 the men and women who answered the call during times of war and
194 peace to protect and preserve the treasured freedom of all
195 citizens of the United States.

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