

**By** the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Collins

583-03301-23

2023824c1

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; requiring the department to determine  
12      applicant eligibility; requiring the department to  
13      adopt specified rules; specifying the qualifications,  
14      duties, and responsibilities of the operator;  
15      establishing a nondiscrimination policy for the  
16      program; providing for eligibility and priority of  
17      admittance; providing for participants' contribution  
18      to support; providing for program audits, inspections,  
19      and operational standards; creating s. 683.1475, F.S.;  
20      designating the week of November 11 of each year as  
21      "Veterans Week" in Florida; authorizing the Governor  
22      to issue an annual proclamation; providing an  
23      effective date.

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

26  
27       Section 1. Paragraph (c) is added to subsection (2) of  
28      section 20.37, Florida Statutes, to read:

29       20.37 Department of Veterans' Affairs.—There is created a

583-03301-23

2023824c1

30 Department of Veterans' Affairs.

31 (2) The following divisions, and bureaus within these  
32 divisions, of the Department of Veterans' Affairs are  
33 established:

34 (c) Division of Long-term Care.

35 Section 2. Subsection (1) of section 292.11, Florida  
36 Statutes, is amended to read:

37 292.11 County and city veteran service officer.—

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

583-03301-23

2023824c1

59 ~~employment as a county or city veteran service officer. Every~~  
60 ~~county or city veteran service officer, in order to be eligible~~  
61 ~~for employment as a county or city veteran service officer,~~  
62 ~~shall~~ have a 2-year degree from an accredited university,  
63 college, or community college or a high school degree or  
64 equivalency diploma and 4 years of administrative experience.

65 Section 3. Part III of chapter 296, Florida Statutes,  
66 consisting of sections 296.42 through 296.49, Florida Statutes,  
67 is created to read:

68 PART III

69 VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

70 296.42 Short title.—This part may be cited as the  
71 "Veterans' Adult Day Health Care of Florida Act."

72 296.43 Purpose.—The purpose of this part is to provide for  
73 the establishment of basic standards for the operation of  
74 veterans' adult day health care programs for eligible veterans  
75 in need of such services.

76 296.44 Definitions.—As used in this part, the term:

77 (1) "Contractor" means an entity responsible for the day-  
78 to-day operations of an adult day health care facility or adult  
79 day care center as prescribed by 38 C.F.R. s. 59.160 or part III  
80 of chapter 429, respectively. The contractor may be a for-profit  
81 or nonprofit entity that operates the adult day health care  
82 facility or adult day care center under the direction of the  
83 executive director of the department.

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

85 (3) "Director" means the executive director of the  
86 department.

87 (4) "Operator" means the person designated to have and who

583-03301-23

2023824c1

88 has the general administrative charge of an adult day health  
89 care facility or adult day care center. The administrator of a  
90 veterans' nursing home under s. 296.34 or the administrator of  
91 the Veterans' Domiciliary Home of Florida under s. 296.04 may  
92 serve as the operator if the adult day health care facility or  
93 adult day care center is colocated at an existing veterans'  
94 nursing home or the Veterans' Domiciliary Home of Florida or is  
95 a freestanding facility.

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

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

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

102 296.45 Operator; qualifications, duties, and  
103 responsibilities.-

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

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

116 (3) The operator position is assigned to the Selected

583-03301-23

2023824c1

117 Exempt Service under part V of chapter 110 unless the operation  
118 of the program is assigned to a contractor. The director must  
119 give veterans preference in selecting an operator as provided in  
120 ss. 295.07 and 295.085 if the operation of the program is not  
121 assigned to a contractor.

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

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

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

137 296.47 Eligibility and priority of admittance.—

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

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

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

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

583-03301-23

2023824c1

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

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

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

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

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

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

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

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

583-03301-23

2023824c1

175       296.49 Audit; inspection; standards for the program.—The  
176 program must be open at any time to audit and inspection by the  
177 Auditor General and the Office of Program Policy Analysis and  
178 Government Accountability, as provided by law, the department,  
179 and the United States Department of Veterans Affairs, and to any  
180 other audits or inspections as required by law to maintain  
181 appropriate standards in the program. The standards that the  
182 department must use to regulate the operation of the program are  
183 those prescribed by the United States Department of Veterans  
184 Affairs, provided that when the state's standards are more  
185 restrictive, the standards of the state must apply.

186       Section 4. Section 683.1475, Florida Statutes, is created  
187 to read:

188       683.1475 Veterans Week.—

189       (1) The week of November 11 of each year is designated as  
190 "Veterans Week," with the week starting with the Sunday  
191 preceding November 11. If November 11 falls on a Sunday,  
192 "Veterans Week" begins on that day.

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

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