

# CHAPTER 98-16

## House Bill No. 1649

An act relating to veterans' homes, including the Veterans' Domiciliary Home of Florida and the Veterans' Nursing Home of Florida; amending s. 296.02, F.S.; providing definitions; amending s. 296.03, F.S.; including extended congregate care in the types of care offered by the domiciliary home; amending s. 296.04, F.S.; replacing the term "member" with the term "resident"; amending s. 296.06, F.S.; amending prerequisites to eligibility for admission to the domiciliary home; amending s. 296.07, F.S.; replacing the term "member" with the term "resident"; amending s. 296.08, F.S.; amending a cross-reference; amending s. 296.09, F.S.; replacing the term "member" with the term "resident"; amending the list of information about each resident which is to be kept in the general register; amending ss. 296.10, 296.11, 296.12, 296.13, 296.14, 296.15, 296.16, 296.34, and 296.38, F.S.; replacing the term "member" with the term "resident"; amending s. 296.36, F.S.; amending the residency requirement for admission into the Veterans' Nursing Home of Florida; designating a building located in Lake City as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida"; directing the Florida Department of Veterans' Affairs to erect suitable markers; providing an effective date.

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

Section 1. Section 296.02, Florida Statutes, is amended to read:

296.02 Definitions.—For the purposes of this part, except where the context clearly indicates otherwise:

(1) "Applicant" means a veteran with wartime service or peacetime service as defined in this section who is not in need of hospitalization or nursing home care.

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

~~(3)~~(4) "Director" means the executive director of the Department of Veterans' Affairs.

~~(4)~~(2) "Domiciliary care" means shelter, sustenance, and incidental medical care provided on an ambulatory self-care basis to assist eligible veterans who are disabled by age or disease, but who are not in need of hospitalization or nursing home care services.

(5) "Extended congregate care" has the meaning given to that term under s. 400.402.

(6) "Mentally ill" means having an impairment of the emotional process, of the ability to exercise conscious control of one's actions, or of the ability

to perceive reality or to understand, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, and which impairment cannot be controlled by medication.

(3) ~~“Department” means the Department of Veterans’ Affairs.~~

(4) ~~“Wartime service” means service as defined in s. 1.01(14).~~

(7)(5) “Peacetime service” means Army, Navy, Marines, Coast Guard or Air Force service that is not during a wartime era as defined in s. 1.01(14) subsection (4).

(8) “Resident” means any eligible veteran admitted to residency in the home.

(9) “Veteran” means a person who served in the military as defined in s. 1.01(14).

(10)(6) “Veterans’ Domiciliary Home of Florida,” hereinafter referred to as the “home,” means a home established by the state for veterans who served in wartime service or in peacetime service, as defined in this section subsections (4) and (5).

(11) “Wartime service” has the meaning given to that term under s. 1.01(14).

(7) ~~“Applicant” means a veteran with wartime or peacetime service as defined in subsections (4) and (5), who is not in need of hospitalization or nursing home care.~~

(8) ~~“Member” means any eligible veteran admitted to residency in the home.~~

Section 2. Section 296.03, Florida Statutes, is amended to read:

296.03 Veterans’ Domiciliary Home of Florida.—The Veterans’ Domiciliary Home of Florida is shall be for veterans who served in wartime service or peacetime service, as defined in s. 296.02(4) ~~and (5)~~, and is maintained for the use of those veterans who are not in need of hospitalization or nursing home care and who can attend to their personal needs, dress themselves, and attend a general dining facility, or who are in need of extended congregate care.

Section 3. Subsections (5) and (6) of section 296.04, Florida Statutes, are amended to read:

296.04 Administrator; duties and qualifications; responsibilities.—

(5)(a) The administrator shall administer and enforce all rules of the home, including rules of discipline, and ~~may shall have the power to~~ dismiss any resident member of the home for any infraction of the such rules, subject to the approval of the director.

(b) When the administrator determines that a resident member has caused physical damage to the home, he or she shall determine the cost of

repairs and take action to recover such sum from the resident member who caused the damage. The administrator shall recover ~~the such~~ sum by increasing the resident's member's monthly copayment, holding funds of the resident member that are on deposit in the Residents' Members' Deposits Trust Fund, or holding personal property of the resident which member that is held by the administrator for safekeeping pursuant to s. 296.14.

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

Section 4. Section 296.06, Florida Statutes, is amended to read:

296.06 State policy; eligibility requirements.—

(1) It is the policy of the state to admit residents members into the home without regard to race, age, sex, creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, an applicant's veteran status shall not constitute discrimination.

(2) To be eligible for residency in the home, a veteran must shall:

(a) Have wartime service or peacetime service as defined in ss. 1.01(14) and 296.02.

(b) Have been a resident of the state for 1 year ~~3 years~~ immediately preceding application and be a resident of the state at the time of application.

(c) Not be mentally ill, habitually inebriated, or addicted to drugs.

(d) Not owe money to the department for services rendered during any previous stay at a department facility.

Section 5. Section 296.07, Florida Statutes, is amended to read:

296.07 Certain persons ineligible.—~~A No person shall be received or retained in the home~~ who is mentally ill, habitually inebriated, or addicted to the use of drugs may not be received or retained in the home. It is the legislative intent that a resident member of the home who is discharged therefrom, or voluntarily leaves the home, because he or she ~~such member~~ exhibits mental illness, inebriation, or drug addiction shall be referred to appropriate federal, state, or county agencies by the home for treatment.

Section 6. Section 296.08, Florida Statutes, is amended to read:

296.08 Priority of admittance.—

(1) In determining the eligibility of applicants to the home, the administrator shall give admittance priority in accordance with the following schedule:

(a) Those veterans with wartime service, as defined in s. 1.01(14), who have with service-connected disability or disabilities but, who are not in need of hospitalization or nursing home care.

(b) Those veterans with wartime service, as defined in s. 1.01(14), who have with non-service-connected disability or disabilities but, who are not in need of hospitalization or nursing home care.

(c) Those veterans with wartime service, as defined in s. 1.01(14), other than those described in paragraphs (a) and (b).

(d) Those veterans with peacetime service, as defined in s. 296.02 s. 296.02(5).

(2) Before admission, each applicant shall file with the administrator a certificate of eligibility, together with a certified copy of his or her discharge, and any other information that determined by the administrator determines to be as necessary for admission purposes.

Section 7. Section 296.09, Florida Statutes, is amended to read:

296.09 Health record and general register to be maintained.—

(1) A health record for each resident must member shall be maintained and must shall contain an identification sheet, a medical history, a report of initial physical examination, and subsequent records of treatment and progress, including medications, diets, and consultations. An annual reevaluation of the resident's member's health status must shall be conducted and recorded. The health record and the annual reevaluation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and must shall be preserved for a period of time as determined by the director.

(2) The administrator shall keep a general register, in which must shall be recorded the following information concerning each resident member admitted:

(a) Name, age, place of birth, and occupation.

(b) Date of admission.

(c) Residence at time of admission and, length of residence in this state immediately prior to admission, and residence at time of entering the service.

(d) Date of enlistment and date of discharge.

(e) Married or single.

(f) Pension or disability, rate of compensation, estate, and any other income.

~~(g) All fraternal societies to which the member belongs.~~

~~(g)(h)~~ Any additional information that which the administrator considers deems necessary.

Section 8. Section 296.10, Florida Statutes, is amended to read:

296.10 Residents Members; contribution to support.—

(1) Each resident ~~Every member~~ of the home who receives a pension, compensation, or gratuity from the United States Government, or income from any other source of more than \$100 per month, shall contribute to his or her maintenance and support while a resident member of the home in accordance with a schedule of payment determined by the administrator and approved by the director. The total amount of such contributions must shall be to the fullest extent possible, but ~~may not, in no case, shall~~ exceed the actual cost of operating and maintaining the home.

(2) ~~Notwithstanding The provisions of subsection (1) notwithstanding,~~ each resident member who participates in a vocational rehabilitation or work incentive program shall contribute to his or her support in an amount that is determined by the administrator and approved by the director, ~~is to be~~ computed at 50 percent of the resident's member's net earnings after taxes and after the setoff of the first \$100 per month, ~~and does not to exceed~~ the cost of care. The resident member is required to authorize the administrator of the home to secure from the employer sufficient information to verify the resident's member's earnings under the program.

(3) The administrator may, if there is room, admit to residency in the home veterans who have sufficient means for their own support, but are otherwise eligible to become residents members of the home, on payment of the full cost of their support, which cost and method of collection shall be fixed ~~from time to time~~ by the administrator.

Section 9. Section 296.11, Florida Statutes, is amended to read:

296.11 Funds of home and disposition of moneys.—

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

(2) The home shall deposit all moneys received pursuant to s. 296.15 and all interest earned on moneys in the Residents' Members' Deposits Trust Fund pursuant to s. 296.12 into the Grants and Donations Trust Fund. Moneys in the Grants and Donations Trust Fund must shall be expended for the common benefit of the residents members of the home such as improved facilities, recreational equipment, and recreational supplies subject to the requirements of chapter 216.

(3) ~~Nothing contained in~~ This section does not shall be construed to prohibit the use of revolving funds or clearing accounts if they provided that ~~such~~ are established in the manner prescribed by law.

Section 10. Section 296.12, Florida Statutes, is amended to read:

296.12 Residents' Members' Deposits Trust Fund.—

(1) There is hereby created a Residents' Members' Deposits Trust Fund. All moneys received by the home under pursuant to this section must shall be deposited into the Residents' Members' Deposits Trust Fund, a local fund that is administered by the home and which is not a part of the State Treasury.

(2) The residents members of the home may voluntarily deposit moneys with the home moneys that, which the home must shall receive and keep without charge in the Residents' Members' Deposits Trust Fund. Such moneys voluntarily deposited with the home by a resident member may be withdrawn, in whole or in part, at the will of the resident member. Upon the resident's death, any balance that remains and is neither disposed remaining upon the member's death, undisposed of by will nor and not paid to his or her heirs at law must shall be paid to the state in accordance with the provisions of chapter 717.

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

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

Section 11. Section 296.13, Florida Statutes, is amended to read:

296.13 Death of resident member; disposition of moneys held.—

(1) Any balance of moneys which belongs to a resident and is held by the home, or by its authority, at the time of the resident's death and which is not disposed and belonging to any home member shall, upon the death of the member, where undisposed of by will, must be held as a special trust fund to be paid by the home upon proof that deemed to be proper to the administrator considers proper, directly and without probate, to heirs of the resident, except member, provided that the administrator may is hereby empowered to disburse funds of any deceased resident member for payment of the resident's member's funeral expenses.

(2) If no heirs are discovered within 1 year after the death of a resident member, or if the heirs who are discovered within that such time are not entitled to all of the remaining moneys the whole thereof, the moneys that are not paid to the heirs nor disposed, and undisposed of by will must, shall be paid to the state as provided in chapter 717.

Section 12. Section 296.14, Florida Statutes, is amended to read:

296.14 Personal property; deceased residents members; residents members leaving.—

(1) Any resident member of the home may deposit personal property other than money with the administrator for safekeeping. The Such prop-

erty must shall be returned to the depositor upon demand, and a written statement of acceptance must shall be executed by the depositor under oath.

(2) ~~The administrator or the administrator's designee must maintain an itemized record of the deposit of personal property which contains shall be maintained by the administrator or his or her designee, and shall contain, but need not be limited to, the name of the depositor, the date of deposit, a description of the article or articles deposited, the disposition of the article or articles, and the date of disposition.~~

(3) The personal property of a deceased resident which is member, not otherwise provided for, may be held for the heirs, devisees, or legatees for a period of 1 year ~~after from~~ the date of the resident's member's death. The personal property of a resident member who is discharged or voluntarily leaves may be held for the resident member or for his or her heirs, devisees, or legatees for a period of 1 year ~~after from~~ the date of discharge or departure.

(4) The administrator may make a monthly charge for the safekeeping of unclaimed personal property. If the charge is not paid, a lien upon the property to secure its payment accrues shall accrue to the home.

(5) The administrator shall will cause a public sale to be held when in the judgment of the administrator the probable value of the property exceeds the probable cost of the sale. All cost incurred in the sale of the unclaimed personal property must shall be reimbursed to the home along with any lien on the property. All unclaimed funds must shall be disposed of in accordance with ~~the provisions of~~ chapter 717.

Section 13. Section 296.15, Florida Statutes, is amended to read:

296.15 Gifts, grants, and endowments to the home.—The home may shall be empowered to receive and accept gifts, grants, and endowments in the name of the home. All such gifts, grants, and endowments are to be used for the benefit of the home and its residents members. The administrator, together with the director, shall ~~have the authority to~~ determine how these gifts, grants, and endowments could best benefit the home and its residents members unless the benefactor requests or instructs that the gift, grant, or endowment be used for a specific purpose.

Section 14. Section 296.16, Florida Statutes, is amended to read:

296.16 Reports to the Governor, Cabinet, and Legislature.—The director shall report to the Governor, the Cabinet, and the Legislature by December 31 of each year, stating all receipts and expenditures, the condition of the home, the number of residents members received and discharged during the preceding year, and such other matters relating to the management, conduct, and interest of the home as the director considers deems proper, or as required by the Governor, the Cabinet, or the Legislature. The director shall also make any other reports that which the Governor, the Cabinet, or the Legislature requires.

Section 15. Subsection (5) of section 296.34, Florida Statutes, is amended to read:

296.34 Administrator; qualifications, duties, and responsibilities.—

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

Section 16. Section 296.36, Florida Statutes, is amended to read:

296.36 Eligibility and priority of admittance.—

(1) To be eligible for admittance to the home, the person must shall be a veteran as defined in s. 1.01(14) and must shall:

(a) Be in need of nursing home care.

(b) Have been a resident of the state for 1 year ~~3 years~~ immediately preceding, and at the time of application for, admission to the home.

(2) Admittance priority must shall be afforded in the following order of priority to an eligible veteran who is in need of nursing home care and who in accordance with the following:

(a) Has a service-connected disability as determined by the United States Department of Veterans Affairs, or was discharged or released from military service for disability incurred or aggravated in the line of duty and the disability is the condition for which nursing home care is needed.

(b) Has a non-service-connected disability and is unable to defray the expense of nursing home care and so states under oath before a notary public or other officer authorized to administer an oath.

Section 17. In editing manuscript for the next edition of the official Florida Statutes, the Division of Statutory Revision of the Joint Legislative Management Committee is directed to revise the catchline of s. 296.37, Florida Statutes, to read: "Residents; contribution to support."

Section 18. Subsection (3) of section 296.38, Florida Statutes, is amended to read:

296.38 Funds of home and disposition of moneys.—

(3)(a) There is hereby created a Residents' Members' Deposits Trust Fund. All moneys received by the home pursuant to this subsection shall be deposited into the Residents' Members' Deposits Trust Fund, a local fund administered by the home and which is not a part of the State Treasury.

(b) The residents members of the home may voluntarily deposit moneys with the home, which the home shall receive and keep without charge in the Residents' Members' Deposits Trust Fund. Such moneys voluntarily deposited with the home by a resident member may be withdrawn, in whole or in part, at the will of the resident member. Any balance remaining upon the resident's member's death, undisposed of by will and not paid to his or her heirs at law, shall be paid to the state in accordance with the provisions of chapter 717.

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

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

Section 19. (1) The Veterans' Domiciliary Home of Florida located in Lake City, Columbia County, is hereby designated as the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida."

(2) The Florida Department of Veterans' Affairs is hereby directed to erect suitable markers designating the "P.F.C. Robert H. Jenkins Veterans' Domiciliary Home of Florida" as described in subsection (1).

Section 20. This act shall take effect upon becoming a law.

Became a law without the Governor's approval April 22, 1998.

Filed in Office Secretary of State April 21, 1998.