

Senate Bill No. 962

An act relating to veterans; amending ss. 296.04, 296.34, F.S.; revising provisions relating to the state appointment and duties of the veterans' homes' administrators; defining duties of the administrators; eliminating a residency requirement; amending s. 296.11, F.S.; eliminating a requirement that certain interest be deposited into the Grants and Donations Trust Fund; amending s. 296.12, F.S.; requiring an accounting of certain funds in the Residents' Deposits Trust Fund and eliminating a requirement that interest accrued in the fund be deposited into the Grants and Donations Trust Fund; amending s. 296.32, F.S.; authorizing more than one veterans' nursing home; amending s. 296.33, F.S.; revising definitions; amending s. 296.38, F.S.; requiring the accounting of certain funds; eliminating a requirement that interest accrued be deposited in the Grants and Donations Trust Fund; designating the state veterans' nursing home in Bay County as the "Clifford Chester Sims State Veterans' Nursing Home"; designating the state veterans' nursing home in Charlotte County as the "Douglas T. Jacobson State Veterans' Nursing Home"; providing an effective date.

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

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

296.04 Administrator; duties and qualifications; responsibilities.—

(1) ~~The director shall appoint an administrator who shall be responsible for the overall operation serve as the chief executive of the home and the care of the residents shall have the immediate custody and control of all property used in connection with the home in accordance with chapter 273.~~

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

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

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

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

296.11 Funds of home and disposition of moneys.—

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

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

296.12 Residents' Deposits Trust Fund.—

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

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

(3) Upon a resident's discharge or voluntary departure from the home, if such moneys are not 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 decease after his or her discharge or voluntary departure, the moneys must be paid to the state as provided in chapter 717.

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

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

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

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

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

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

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

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

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

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

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

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

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

296.34 Administrator; qualifications, duties, and responsibilities.—

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

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

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

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

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

~~(3) The administrator shall have the immediate custody and control of all property used in connection with the home in accordance with chapter 273. The administrator shall determine the eligibility of applicants for admission to the home in accordance with provisions of this part and, together with the director, shall adopt all rules necessary for the proper administration of the home, including rules for the preservation of order and enforcement of discipline in the home. All rules governing the home shall conform as nearly as possible to the rules and regulations for comparable facilities of the United States Department of Veterans Affairs.~~

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

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

(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 of the home for any infraction of rules, subject to the approval of the director.

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

(b) The residents of the home may voluntarily deposit moneys with the home, which the home shall receive and keep without charge in the Residents' Deposits Trust Fund. ~~Such Moneys voluntarily deposited and interest earned with the home by a resident~~ may be withdrawn, in whole or in part, at the will of the resident. Any balance remaining upon the resident'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 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 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 8. The state veterans' nursing home located in Bay County shall be designated as the "Clifford Chester Sims State Veterans' Nursing Home."

Section 9. The state veterans' nursing home located in Charlotte County shall be designated as the "Douglas T. Jacobson State Veterans' Nursing Home."

Section 10. This act shall take effect July 1, 2002.

Approved by the Governor June 5, 2002.

Filed in Office Secretary of State June 5, 2002.