

CHAPTER 2017-157

House Bill No. 5205

An act relating to the Department of Veterans' Affairs; terminating the State Homes for Veterans Trust Fund within the department; providing for the disposition of balances in, revenues of, and outstanding appropriations of the trust fund; prescribing termination procedures; amending s. 20.375, F.S.; revising provisions for use and administration of funds in the department's Operations and Maintenance Trust Fund; conforming provisions to changes made by the act; amending s. 296.11, F.S.; revising purposes for the expenditure of moneys in the trust fund; amending s. 296.37, F.S.; revising income requirements for certain contributions by residents of a veterans' nursing home; amending ss. 296.38, 320.02, 320.08058, 320.089, 320.0891, and 322.08, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. (1) The State Homes for Veterans Trust Fund within the Department of Veterans' Affairs, FLAIR number 20-2-692, is terminated.

(2) All current balances remaining in, and all revenues of, the trust fund shall be transferred to the Operations and Maintenance Trust Fund within the Department of Veterans' Affairs.

(3) The Department of Veterans' Affairs shall pay any outstanding debts or obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Paragraph (a) of subsection (3) and subsection (4) of section 20.375, Florida Statutes, are amended to read:

20.375 Department of Veterans' Affairs; trust funds.—The following trust funds shall be administered by the Department of Veterans' Affairs:

(3) Operations and Maintenance Trust Fund.

(a) Funds to be credited to and uses of the trust fund shall be administered in accordance with ~~the provisions of ss. 215.32, 296.11, and 296.38, 320.08058, 320.089, and 320.0891.~~

~~(4) State Homes for Veterans Trust Fund.~~

~~(a) Funds to be credited to and uses of the trust fund shall be administered in accordance with the provisions of ss. 320.08058 and 320.0891.~~

~~(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.~~

Section 3. Subsection (1) of 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 into the Operations and Maintenance Trust Fund. All such moneys must be expended for the purpose of supporting program operations that benefit veterans or the operation, maintenance, or construction of a operating and maintaining the home, subject to the requirements of chapter 216.

Section 4. Subsection (1) of section 296.37, Florida Statutes, is amended to read:

296.37 Residents; contribution to support.—

(1) Every resident of the home who receives a pension, compensation, or gratuity from the United States Government, or income from any other source of more than ~~\$105~~ \$35 per month, shall contribute to his or her maintenance and support while a resident 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 shall be to the fullest extent possible, but, ~~in no case,~~ shall not exceed the actual cost of operating and maintaining the home.

Section 5. Subsection (1) of section 296.38, Florida Statutes, is amended to read:

296.38 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 into the Operations and Maintenance Trust Fund. All such moneys shall be expended for the purpose of supporting program operations that benefit veterans or the operation, maintenance, or construction of a operating and maintaining the home, subject to the requirements of chapter 216.

Section 6. Paragraph (f) of subsection (15) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(15)

(f) Notwithstanding s. 320.023, the application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 per applicant to the state homes for veterans, to be distributed on a quarterly basis by the department to the Operations and Maintenance State Homes for Veterans Trust Fund ~~within, which is administered~~ by the Department of Veterans' Affairs.

For the purpose of applying the service charge provided in s. 215.20, contributions received under this subsection are not income of a revenue nature.

Section 7. Paragraph (b) of subsection (4), paragraph (b) of subsection (28), paragraph (b) of subsection (38), and paragraph (b) of subsection (63) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(b) The Florida Salutes Veterans license plate annual use fee shall be distributed as follows:

1. Ten percent shall be distributed to a direct-support organization created under s. 292.055 for a period not to exceed 48 months after the date the direct-support organization is incorporated.

2. Any remaining fees must be deposited in the Operations and Maintenance State Homes for Veterans Trust Fund ~~within, which is created in the State Treasury. All such moneys are to be administered by the Department of Veterans' Affairs and must be used to support program operations that benefit veterans or the operation, maintenance, or construction of solely for the purpose of constructing, operating, and maintaining~~ domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216.

(28) UNITED STATES MARINE CORPS LICENSE PLATES.—

(b) The department shall distribute the United States Marine Corps license plate annual use fees as provided in this paragraph.

1. The first \$50,000 collected annually shall be distributed to the Marine Corps Scholarship Foundation, Inc.

2. Any remaining fees collected annually shall be distributed as follows:

a. Thirty-five percent shall be deposited in the Operations and Maintenance State Homes for Veterans Trust Fund ~~within the Department of Veterans' Affairs and must be used to support program operations that benefit veterans or the operation, maintenance, or construction of solely for~~

~~the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.~~

b. Sixty-five percent shall be distributed to the Marine Corps Scholarship Foundation, Inc., which shall use all fees distributed by the department to fund scholarships and assist Marine Corps Junior ROTC and Young Marine programs of this state. The foundation shall develop a plan to distribute the funds to recipients nominated by residents of the state to receive scholarships, and to the Marine Corps Junior ROTC and Young Marine programs in the state.

(38) MILITARY SERVICES LICENSE PLATES.—

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the annual use fee shall be deposited into the Operations and Maintenance State Homes for Veterans Trust Fund within the Department of Veterans' Affairs and must be used to support program operations that benefit veterans or the operation, maintenance, or construction of ~~solely to construct, operate, and maintain~~ domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(63) SUPPORT OUR TROOPS LICENSE PLATES.—

(b) The annual use fees from the plate shall be distributed to Support Our Troops, Inc., to be used for the benefit of Florida troops and their families in accordance with its articles of incorporation. Support Our Troops, Inc., shall receive the first \$60,000 of the use fees to offset startup costs for developing and establishing the plate. Thereafter, the department shall distribute the annual use fees as follows:

1. Twenty-five percent shall be distributed to Support Our Troops, Inc., to offset marketing, administration, and promotion costs.

2. Of the remaining 75 percent, 65 percent shall be distributed to Support Our Troops, Inc., and 35 percent shall be distributed to the Operations and Maintenance State Homes for Veterans Trust Fund within the Department of Veterans' Affairs State Homes.

Section 8. Paragraph (b) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II

Veterans; and Navy Submariners; special license plates; fee.—

(1)

(b) Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first \$100,000 in general revenue generated from the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated from the sale of such plates shall be deposited into the Operations and Maintenance State Homes for Veterans Trust Fund within the Department of Veterans' Affairs and used to support program operations that benefit veterans or the operation, maintenance, or construction of solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

Section 9. Subsection (6) of section 320.0891, Florida Statutes, is amended to read:

320.0891 U.S. Paratroopers license plate.—

(6) The department shall retain all annual use fee revenues from the sale of the U.S. Paratroopers license plates until all startup costs for developing and issuing the plates are recovered, not to exceed \$60,000. Thereafter, the annual use fee revenues shall be distributed to the Operations and Maintenance State Homes for Veterans Trust Fund within the Department of Veterans' Affairs.

Section 10. Paragraph (n) of subsection (8) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(8) The application form for an original, renewal, or replacement driver license or identification card must include language permitting the following:

(n) Notwithstanding s. 322.081, a voluntary contribution of \$1 per applicant to the state homes for veterans, to be distributed on a quarterly basis by the department to the Operations and Maintenance State Homes for Veterans Trust Fund within, ~~which is administered by the Department of Veterans' Affairs.~~

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided under s. 215.20, contributions received under paragraphs (b)-(t) are not income of a revenue nature.

Section 11. This act shall take effect July 1, 2017.

Approved by the Governor June 23, 2017.

Filed in Office Secretary of State June 23, 2017.