

## CHAPTER 2023-162

### Committee Substitute for House Bill No. 485

An act relating to veterans' services and recognition; amending s. 20.37, F.S.; creating the Division of Long-term Care within the Department of Veterans' Affairs; amending s. 292.11, F.S.; revising qualifications for employment of county and city veteran service officers; creating part III of chapter 296, F.S.; creating the "Veterans' Adult Day Health Care of Florida Act"; providing purpose and definitions; providing for appointment of an operator and specifying qualifications, duties, and responsibilities; establishing a nondiscrimination policy of the program; providing for eligibility and priority of admittance; providing for participants' contribution to support; providing for audits, inspections, and operational standards of the program; creating s. 683.1475, F.S.; designating the week of November 11 of each year as "Veterans Week"; authorizing the Governor to issue an annual proclamation; providing an effective date.

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

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

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

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

(c) Division of Long-term Care.

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

292.11 County and city veteran service officer.—

(1) Each board of county commissioners may employ a county veteran service officer; provide office space, clerical assistance, and the necessary supplies incidental to providing and maintaining a county service office; and pay said expenses and salaries from the moneys hereinafter provided for. The governing body of any city may employ a city veteran service officer; provide such office space, clerical assistance, and supplies; and pay expenses and salaries. A county or city veteran service officer must be a veteran as defined in s. 1.01(14) ~~who served as a member of the Armed Forces of the United States during a period of war, as defined in Title 38, U.S.C.; who served at least 18 months' active duty in the Armed Forces; and who was separated from such service under honorable conditions, or the surviving spouse of any such veteran. Any honorably discharged wartime veteran who was so discharged for service-connected or aggravated medical reasons before serving 18 months of active duty; who completed a tour of duty other~~

than active duty for training, regardless of the length of the tour; or who satisfied his or her military obligation in a manner other than active duty for training or reserve duty shall be eligible for employment as a county or city veteran service officer. Every county or city veteran service officer, in order to be eligible for employment as a county or city veteran service officer, shall have a 2-year degree from an accredited university, college, or community college or a high school degree or equivalency diploma and 4 years of administrative experience.

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

### PART III

#### VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

296.42 Short title.—This part may be cited as the “Veterans’ Adult Day Health Care of Florida Act.”

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

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

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

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

(3) “Director” means the executive director of the department.

(4) “Operator” means the person designated to have and has the general administrative charge of an adult day health care facility or adult day care center. The administrator of a veterans’ nursing home under s. 296.34 or the administrator of the Veterans’ Domiciliary Home of Florida under s. 296.04 may serve as the operator if the adult day health care facility or adult day care center is collocated at an existing veterans’ nursing home or the Veterans’ Domiciliary Home of Florida or is a freestanding facility.

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

(6) “Program” means a licensed facility operated by the department under part III of chapter 429.

(7) “Veteran” has the same meaning as provided in s. 1.01(14).

296.45 Operator; qualifications, duties, and responsibilities.—

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

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

(3) The operator position shall be assigned to the Selected Exempt Service under part V of chapter 110 unless the operation of the program is assigned to a contractor. The director shall give veterans’ preference in selecting an operator, as provided in ss. 295.07 and 295.085 if the operation of the program is not assigned to a contractor.

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

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

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

296.47 Eligibility and priority of admittance.—

(1) To be eligible for admittance to the program, the person must be a veteran as provided in s. 1.01(14) or have eligible peacetime service as defined in s. 296.02 and must:

(a) Be in need of adult day health care.

(b) Be a resident of the state at the time of application for admission to the program.

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

(d) Have applied for all financial assistance reasonably available through governmental sources.

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

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

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

(a) An eligible veteran who is a resident of the State of Florida.

(b) An eligible veteran who 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 adult day health care is needed.

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

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

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

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

683.1475 Veterans Week.—

(1) The week beginning with the Sunday preceding November 11 of each year is designated as “Veterans Week.” If November 11 falls on a Sunday, “Veterans Week” begins on that day.

(2) The Governor may annually issue a proclamation designating the week of November 11 as Veterans Week and calling upon public officials, schools, private organizations, and all residents of the state to commemorate Veterans Week and honor the men and women who answered the call during times of war and peace to protect and preserve the treasured freedom of all citizens of the United States.

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

Approved by the Governor May 26, 2023.

Filed in Office Secretary of State May 26, 2023.