

## CHAPTER 296

## VETERANS' HOMES

## PART I VETERANS' DOMICILIARY HOME OF FLORIDA ACT (ss. 296.01-296.17)

## PART II VETERANS' NURSING HOME OF FLORIDA ACT (ss. 296.31-296.41)

## PART I

VETERANS' DOMICILIARY HOME  
OF FLORIDA ACT

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**296.01 Short title.**—This part may be cited as the "Veterans' Domiciliary Home of Florida Act."

**History.**—s. 8, ch. 89-168; s. 4, ch. 92-80.

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

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

(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.

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

(4) "Wartime service" means service as defined in s. 1.01(14).

(5) "Peacetime service" means service not during a wartime era as defined in subsection (4).

(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 or peacetime service, as defined in subsections (4) and (5).

(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.

**History.**—s. 8, ch. 89-168; s. 5, ch. 92-80.

**296.03 Veterans' Domiciliary Home of Florida.**—

The Veterans' Domiciliary Home of Florida shall be for veterans who served in wartime or peacetime service, as defined in s. 296.02(4) and (5), and 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.

**History.**—s. 8, ch. 89-168; s. 6, ch. 92-80.

**296.04 Administrator; duties and qualifications; responsibilities.**—

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

(2) The administrator shall have the power to determine the eligibility and admission of applicants to the home in accordance with the provisions of this chapter and, together with the director, shall adopt all rules necessary 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.

(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 afford applicants veterans' preference in 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.

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

(b) When the administrator determines that a 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 member who caused the damage. The administrator shall recover such sum by increasing the member's monthly copayment, holding funds of the member that are on deposit in the Members' Deposits Trust Fund, or holding personal property of the member that is held by the administrator for safekeeping pursuant to s. 296.14.

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

**History.**—s. 8, ch. 89-168; s. 7, ch. 92-80; s. 255, ch. 95-148.

**296.05 Bond of administrator and certain employees.**—The administrator and those employees of the home who control or distribute moneys or funds shall file a bond in such form and amount as determined by the director. The home may participate in the blanket fidelity bond and the ancillary bond programs which are competitively bid pursuant to chapter 287.

**History.**—s. 8, ch. 89-168.

**296.06 State policy; eligibility requirements.**—

(1) It is the policy of the state to admit 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 shall:

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

(b) Have been a resident of the state for 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.

**History.**—s. 8, ch. 89-168; s. 8, ch. 92-80.

**296.07 Certain persons ineligible.**—No person shall be received or retained in the home who is mentally ill, habitually inebriated, or addicted to the use of drugs. It is the legislative intent that a member of the home who is discharged therefrom, or voluntarily leaves the home, because such member exhibits mental illness, inebriation, or drug addiction shall be referred to appropriate federal, state, or county agencies by the home for treatment.

**History.**—s. 8, ch. 89-168.

**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), with service-connected disability or disabilities, who are not in need of hospitalization or nursing home care.

(b) Those veterans with wartime service, as defined in s. 1.01(14), with non-service-connected disability or disabilities, 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 in paragraphs (a) and (b).

(d) Those veterans with peacetime service, as defined in 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 determined by the administrator as necessary for admission purposes.

**History.**—s. 8, ch. 89-168; s. 9, ch. 92-80; s. 256, ch. 95-148.

**296.09 Health record and general register to be maintained.**—

(1) A health record for each member shall be maintained and 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 member's health status 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 shall be preserved for a period of time as determined by the director. This exemption is subject to the Open Government Sunset Review Act in accordance with 1s. 119.14.

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

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

(b) Date of admission.

(c) Residence at time of admission, 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.

(h) Any additional information which the administrator deems necessary.

**History.**—s. 8, ch. 89-168; s. 106, ch. 90-360; s. 10, ch. 92-80; s. 1, ch. 95-117.

**Note.**—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."

**296.10 Members; contribution to support.**—

(1) 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 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 shall be to the fullest extent possible, but, in no case, shall exceed the actual cost of operating and maintaining the home.

(2) The provisions of subsection (1) notwithstanding, each member who participates in a vocational rehabilitation or work incentive program shall contribute to

his or her support in an amount determined by the administrator and approved by the director, to be computed at 50 percent of the member's net earnings after taxes and after the setoff of the first \$100 per month, not to exceed the cost of care. The member is required to authorize the administrator of the home to secure from the employer sufficient information to verify the 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 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.

**History.**—s. 8, ch. 89-168; s. 11, ch. 92-80.

#### **296.11 Funds of home and disposition of moneys.**

(1) The following funds of the home are hereby authorized and created in the State Treasury:

- (a) Administrative Trust Fund.
- (b) General Home Trust Fund.

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

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

(4) Nothing contained in this section shall be construed to prohibit the use of revolving funds or clearing accounts provided that such are established in the manner prescribed by law.

**History.**—s. 8, ch. 89-168; s. 12, ch. 92-80.

#### **296.12 Members' Deposits Trust Fund.—**

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

(2) The members of the home may voluntarily deposit moneys with the home, which the home shall receive and keep without charge in the Members' Deposits Trust Fund. Such moneys voluntarily deposited with the home by a member may be withdrawn, in whole or in part, at the will of the member. Any balance remaining upon the 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.

(3) Upon a 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 member's decease after his or her discharge or voluntary depart-

ure, the same shall be paid to the state as provided in chapter 717.

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

**History.**—s. 8, ch. 89-168; s. 13, ch. 92-80; s. 257, ch. 95-148.

#### **296.13 Death of member; disposition of moneys held.—**

(1) Any balance of moneys held by the home, or by its authority, and belonging to any home member shall, upon the death of the member, where undisposed of by will, be held as a special trust fund to be paid by the home upon proof deemed to be proper to the administrator, directly and without probate, to heirs of the member, provided that the administrator is hereby empowered to disburse funds of any deceased member for payment of the member's funeral expenses.

(2) If no heirs are discovered within 1 year after the death of a member, or if the heirs discovered within such time are not entitled to the whole thereof, the moneys not paid to the heirs, and undisposed of by will, shall be paid to the state as provided in chapter 717.

**History.**—s. 8, ch. 89-168.

#### **296.14 Personal property; deceased members; members leaving.—**

(1) Any member of the home may deposit personal property other than money with the administrator for safekeeping. Such property shall be returned to the depositor upon demand, and a written statement of acceptance shall be executed by the depositor under oath.

(2) An itemized record of the deposit of personal property shall be maintained by the administrator or his or her designee, and shall contain, but not be limited to, name of the depositor, date of deposit, description of article or articles deposited, disposition of the article or articles, and date of disposition.

(3) The personal property of a deceased member, not otherwise provided for, may be held for the heirs, devisees, or legatees for a period of 1 year from the date of the member's death. The personal property of a member who is discharged or voluntarily leaves may be held for the member or his or her heirs, devisees, or legatees for a period of 1 year 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 shall accrue to the home.

(5) The administrator 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 shall be reimbursed to the home along with any lien on the property. All unclaimed funds shall be disposed of in accordance with the provisions of chapter 717.

**History.**—s. 8, ch. 89-168; s. 258, ch. 95-148.

#### **296.15 Gifts, grants, and endowments to the home.**

The home 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 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 members unless the benefactor requests or instructs that the gift, grant, or endowment be used for a specific purpose.

**History.**—s. 8, ch. 89-168.

**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 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 deems proper, or as required by the Governor, the Cabinet, or the Legislature. The director shall also make any other reports which the Governor, the Cabinet, or the Legislature requires.

**History.**—s. 8, ch. 89-168.

**296.17 Audit; inspection; and standards for the home.**—The home shall be open at any time to audit and inspection by the Auditor General, as provided in s. 11.45, the Department of Veterans' Affairs, the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the home. The standards that the department shall use to regulate the operation of the home 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.

**History.**—s. 8, ch. 89-168.

## PART II

### VETERANS' NURSING HOME OF FLORIDA ACT

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**296.31 Short title.**—This part may be cited as the "Veterans' Nursing Home of Florida Act."

**History.**—s. 14, ch. 92-80.

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

**History.**—s. 14, ch. 92-80.

**296.33 Definitions.**—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) "Resident" means any eligible veteran admitted to the home.

(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.

**History.**—s. 14, ch. 92-80.

**Note.**—Substituted by the editors for a reference to part I of ch. 400, to conform to the redesignation of parts within ch. 400 incident to the compilation of ch. 93-177.

**296.34 Administrator; qualifications, duties, and responsibilities.**—

(1) The director shall appoint an administrator of the home who shall be the chief executive of the home. The position shall be assigned to the Selected Exempt Service under part V of chapter 110. The director shall give preference in 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, shall:

(a) Be a resident of the state.

(b) Hold a current valid license as a nursing home administrator 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.

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

**History.**—s. 14, ch. 92-80; s. 259, ch. 95-148.

**296.35 Nondiscrimination policy of the home.**—It is the policy of the state to admit residents 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, consideration of an applicant's veteran status shall not constitute discrimination.

**History.**—s. 14, ch. 92-80.

### 296.36 Eligibility and priority of admittance.—

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

(a) Be in need of nursing home care.

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

(2) Admittance priority shall be afforded to an eligible veteran who is in need of nursing home care 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.

**History.**—s. 14, ch. 92-80.

### 296.37 Members; 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 \$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 exceed the actual cost of operating and maintaining the home.

(2) The administrator may, if there is room, admit to residency in the home a veteran who has sufficient means for his or her own support, but is otherwise eligible to become a resident of the home, 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 administrator.

**History.**—s. 14, ch. 92-80.

### 296.38 Funds of home and disposition of moneys.

(1) The following funds of the home are hereby authorized and created in the State Treasury:

(a) Administrative Trust Fund.

(b) General Home Trust Fund.

(2) 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 Administrative Trust Fund. All such moneys shall be expended for the purpose of operating and maintaining the home subject to the requirements of chapter 216.

(3) The home 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. 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 unless the benefactor requests or instructs that the gift, grant, or endowment be used for a specific purpose. The home shall deposit all moneys received pursuant to this subsection into the General Home Trust Fund. Moneys in the General Home Trust Fund shall be expended for the common benefit of the residents of the home, such as recreational equipment, improved facilities, and recreational supplies.

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

(b) The members of the home may voluntarily deposit moneys with the home, which the home shall receive and keep without charge in the Members' Deposits Trust Fund. Such moneys voluntarily deposited with the home by a member may be withdrawn, in whole or in part, at the will of the member. Any balance remaining upon the 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 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 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 General Home Trust Fund.

**History.**—s. 14, ch. 92-80; s. 260, ch. 95-148.

### 296.39 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 received and discharged during the preceding year, and such other matters relating to the management, conduct, and interest of the home as the director deems proper, or as required by the Governor, the Cabinet, or the Legislature. The director shall also make any other reports which the Governor, the Cabinet, or the Legislature requires.

**History.**—s. 14, ch. 92-80.

### 296.41 Audit; inspection; standards for the home.

The home shall be open at any time to audit and inspection by the Auditor General, as provided in s. 11.45, 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 home. The standards that the department shall use to regulate the operation of the home 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.

**History.**—s. 14, ch. 92-80.